

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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Docket Number: 05-16-90027

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U. S. COURT OF APPEALS

**FILED**

JAN 11 2016

FIFTH CIRCUIT  
LYLE W. GAYCE, CLERK

MEMORANDUM

Complainant, a state prisoner, complains that the subject United States District Judge “deliberately and intentionally ... acted arbitrarily and discriminatorily in his investigation and analysis of [complainant’s petition for a writ of habeas corpus] with unreasonable rulings, bias[ed] denials, and inadequate review of the ... deficient and partially false [state trial record]”. Complainant further contends that the judge “discriminated against a specified class”, “allowed falsification of court records”, and violated his fundamental rights.

To the extent that the allegations relate directly to the merits of the judge’s decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, such conclusory assertions of bias and discrimination are insufficient to support a finding of judicial misconduct, and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

Judicial misconduct proceedings are not a substitute for the normal appellate review process, nor may they be used to obtain reversal of a decision or a new trial.

An order dismissing the complaint is entered simultaneously herewith.

  
Carl E. Stewart  
Chief Judge

December 31, 2015

MAR 22 2016

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL  
OF THE FIFTH CIRCUIT

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No. 05-16-90027

Petition for Review by [REDACTED]  
of the Final Order Filed January 11, 2016  
Dismissing Judicial Misconduct Complaint Against

[REDACTED]  
Under the Judicial Improvements Act of 2002.

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ORDER

An Appellate Review Panel of the Judicial Council for the Fifth Circuit has reviewed the above-captioned petition for review, and all the members of the Panel have voted to affirm the order of Chief Judge Stewart, filed January 11, 2016, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

**AFFIRMED.**

March 17, 2016  
Date

Priscilla R. Owen  
Priscilla R. Owen  
United States Circuit Judge  
For the Judicial Council of the Fifth Circuit