

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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Docket Number: 05-16-90032

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U. S. COURT OF APPEALS  
**FILED**  
JAN 11 2016  
FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

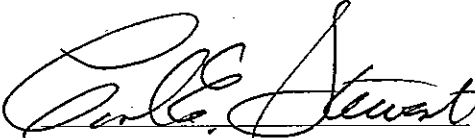
MEMORANDUM

Complainant, a state prisoner, complains that prior to the entry of final judgment, he attempted several times to alert the district court to alleged perjury in a sworn affidavit offered in support of certain defendants' motion for summary judgment, but the subject United States District Judge failed to act on the information. He further complains that despite also raising the alleged perjury in a Rule 60(b) motion, the judge "merely chose to aid and assist the known offense" by denying the motion. Complainant concludes that the judge has engaged in "overt actions of a conspiratorial nature or has otherwise aided in the commission of a 'constructive legal fraud'."

To the extent that the allegations relate directly to the merits of the judge's decisions, they are subject to dismissal as merits-related under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, such conclusory assertions of conspiracy 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 29, 2015

U. S. COURT OF APPEALS  
**FILED**

FEB 24 2016

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL  
OF THE FIFTH CIRCUIT

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No. 05-16-90032  
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.**

February 18, 2016  
Date

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