

IN THE UNITED STATES COURT OF APPEALS **U. S. COURT OF APPEALS**  
FOR THE FIFTH CIRCUIT **FILED**

JAN 11 2016

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Docket Number: 05-16-90033

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FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

MEMORANDUM

Complainant, a state prisoner, alleges that the subject United States District Judge “would and has inordinately seen fit to consistently deny [his] fundamental rights, with defiance and impunity.” He claims that another district judge issued an order scheduling an initial conference in a 2007 proceeding, and protests that the day after the scheduling order was entered, the subject judge “overrode” the other judge’s authority, unreasonably and fraudulently “recharacterized” complainant’s motion for declaratory judgment as “an attack” on a 1986 conviction, and dismissed the matter as barred by the statute of limitations.<sup>1</sup>

Without presenting any evidence in support of the allegation, complainant further claims that his recent lawsuit was not randomly assigned, rather the judge “seized” the case thereby “criminally denying [his] constitutional rights.” In similarly conclusory fashion, complainant also asserts that the judge, who was formerly a state judge, “is loyal to his [state] cronies ... not the United States” and is “guilty of simulating a legal process by willfully violating and ignoring the orders of the Supreme Court.”

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 allegations 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).

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<sup>1</sup> A review of the docket shows that complainant is mistaken: the subject judge issued the scheduling order.

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 30, 2015

MAR 22 2016

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL  
OF THE FIFTH CIRCUIT

No. 05-16-90033

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.

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