

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED
FEB 11 2016

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Docket Numbers: 05-16-90042 through 05-16-90044

MEMORANDUM

Complainant, a federal prisoner, has filed a judicial misconduct complaint against the two subject United States District Judges (Judge A and Judge B) and the subject United States Magistrate Judge.

Complainant alleges that Judge B is a “robed terrorist”, a “robed devil from hell”, and an “out of control rogue” who “said I did not have exceptional circumstances for counsel. ... All the law cited in the motion for counsel was totally ignored ... [Judge B] lied and filed falsified documents with his groundless, garbage denial of counsel.” He further asserts that the judge “illegally created a nonsense requirement that all filed legal actions have to be on [his] ‘approved forms’” and, when complainant “refused to” comply, the judge “used that as a bogus, groundless excuse to issue his one page kangaroo court rubber stamp dismissal of [the habeas petition].”

Without providing any evidence in support of the allegation, complainant also asserts that Judge B “illegally contacted [the judge who presided over complainant’s criminal trial] off the record and asked him what he wanted done with the 2241. [The trial judge] told him to rubber stamp the 2241 dismissed.”

Complainant also alleges that Judge A, Judge B, and the magistrate judge:

- are “murderous, bloodthirsty, deathdealing [sic] ... criminals”, “robed devils”, “monsters”, “tyrant(s)”, “dangerous maniacs”, “splendid lunatics”, “robed psychos”, and “wretches” who “love to revel in government good old boy cronyism and nepotism”;

- “refused to recognize any of the documents I sent to the court in this case”;
- “are so out of control and rabidly obsessed with attacking all and any pro se litigation, they will not even recognize [F]ifth [C]ircuit precedent” and “inject their personal fanatical beliefs into every decision”;
- conspired with [the trial judge] “to keep me at a profound disadvantage, acting pro se”;
- “violated and trampled on confidentiality requirements by contacting [the defendants in both matters], and telling them everything I filed”;
- “are clearly suffering from mental disease and defect”, “demonize any and all *pro se* litigation”, and “run their nasty rubber stamp kangaroo court with a hateful, fanatical ideology”; and,
- “violate the oath they took to uphold the U.S. Constitution and the law ... daily, grossly, and massively”.

Complainant concludes that “[m]uch of the judicial rot, bad acts, misconduct, and shenanigans” of the judges and the magistrate judge “have their underpinnings on [sic] rabid political activism on the federal bench.”

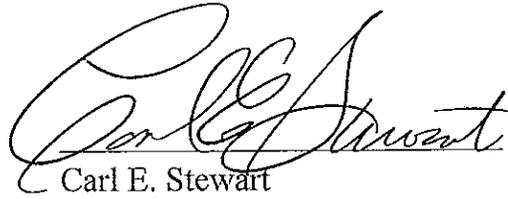
To the extent that the allegations relate directly to the merits of the judges’ and the magistrate judge’s decisions, they are subject to dismissal as merits-related under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, such conclusory assertions of conspiracy, bias, and mental disease are either patently frivolous or insufficient to support a finding of judicial misconduct and are 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.

This is complainant’s third merits-related, and frivolous complaint in five weeks, and the majority of the allegations are identical to those made and dismissed in his prior complaint against Judge A, and those made in his pending complaint against Judge A and the magistrate judge. This constitutes an abuse of the complaint process.

Complainant's right to file complaints is hereby SUSPENDED pursuant to Rule 10(a), Rules For Judicial-Conduct or Judicial-Disability Proceedings. Complainant may show cause, through a petition for review submitted pursuant to Rule 18, why his right to file further complaints should not be so limited.

An order dismissing the complaint is entered simultaneously herewith.

A handwritten signature in cursive script, appearing to read "Carl E. Stewart".

Carl E. Stewart
Chief Judge

January 29, 2016

MAR 22 2016

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-16-90042 through 05-16-90044
Petition for Review by [REDACTED]
of the Final Order Filed February 11, 2016,
Dismissing Judicial Misconduct Complaint

Against [REDACTED]

, and

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 Jones, filed February 11, 2016, dismissing the Complaint of [REDACTED] against [REDACTED], under the Judicial Improvements Act of 2002.

The Order is therefore

AFFIRMED IN ALL RESPECTS.

March 17, 2016
Date

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