

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

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Docket Number: 05-16-90045

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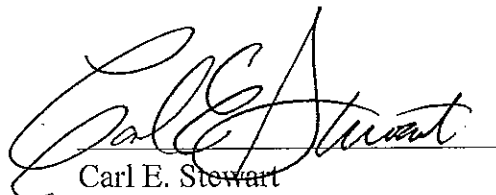
MEMORANDUM

Complainant, a state prisoner, has filed a judicial misconduct complaint against the subject United States District Judge before whom his application for a writ of habeas corpus is pending. Complainant complains that the judge's recent denials of his motions for an evidentiary hearing and for discovery "prove [the judge] is predisposed to make rulings in this case in blatant disregard for [my] rights to justice, and in overt, arbitrary protection of [a state criminal trial judge, court reporter, and state district attorney]." He further asserts that in denying the motions, the judge "deliberately violated [my] Constitutional rights to due process and equal protection of the law ... abused his discretion, acted contrary to well established, clearly established Supreme Court law ... and denied [the motions] because he knew I would expose mass organized crime in State government."

To the extent that these allegations relate directly to the merits of the judge's decisions, including an implicit failure to recuse himself *sua sponte* due to a purported conflict of interest, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, such conclusory allegations of bias are 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.

An order dismissing the complaint is entered simultaneously herewith.

  
Carl E. Stewart  
Chief Judge

February 3, 2016

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

APR 01 2016

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL  
OF THE FIFTH CIRCUIT

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No. 05-16-90045

Petition for Review by [REDACTED]  
of the Final Order Filed February 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 February 11, 2016, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

**AFFIRMED.**

March 19, 2016  
Date

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