

APR 14 2016

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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Complaint Numbers: 05-16-90055 and 05-16-90056

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MEMORANDUM

In a barely intelligible judicial misconduct complaint, *pro se* litigant-complainant complains that subject United States District Judge A failed “to expedite the transfer of [two silver and four copper coins issued by the Republic of Texas] into the 1775 postal bank”, and did so because the judge “concluded that he could stop this case ... by referring to the corporation court procedures for payment of filing fees of four hundred corporation paper [sic], which do not apply to [me].” Complainant further protests that after he demanded that a clerk’s office employee issue summonses “to all 832 defendants” in his second case, Judge A told the employee “not to send out the summons [sic] until he had looked over everything.” He also asserts that the judge has engaged in “Obstruction of Justice and Treason” by failing to recuse himself when he is named as a defendant in that case.

To the extent that these 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 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).

In addition, complainant alleges that because Judge A did not “read any of the filings to correct [my] mailing address”, the order of dismissal in the first case was sent to his prior address. He also claims that his first case was “misfiled” and was then “incorrectly filed”, and that his second case was “totally disregarded.”

The responsibility for opening cases and updating information about litigants is the responsibility of the Clerk of Court, not Judge A, and the allegations are therefore subject to dismissal as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii).

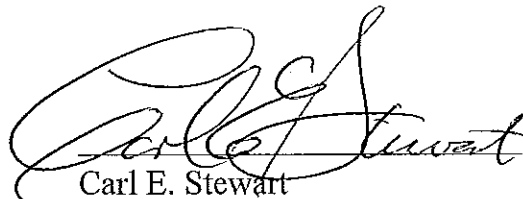
Complainant recounts that he sent a “fax of the misconduct of [Judge A]” to the members of a United States Judicial Conference panel, and was advised that the panel has no jurisdiction in matters of judicial misconduct. He now alleges that United States District Judge B, a member of the panel, “Breached the Trust by not notifying the proper authorities of a felony” reported in his complaint.

The allegation relation relates directly to the merits of the judge’s decision, and is therefore also subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

Complainant’s request that the undersigned “immediately proceed with the instructions/orders ... [and] send out all summonses” in the underlying district court proceedings is denied.

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

March 7, 2016

U. S. COURT OF APPEALS  
FILED

JUN 14 2016

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL  
OF THE FIFTH CIRCUIT

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No. 05-16-90055 and 05-16-90056  
Petition for Review by [REDACTED]  
of the Final Order Filed April 14, 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 Carl E. Stewart, filed April 14, 2016, dismissing the Complaint of [REDACTED] against [REDACTED]

[REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

AFFIRMED.

6-3-2016  
Date

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