

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS  
**FILED**  
APR 14 2016  
FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

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Docket Number: 05-16-90061

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MEMORANDUM

Complainant, a state prisoner, complains that the subject United States District Judge “made up his own evidence [by] fabricating the trial record ... materially changing witness testimony in the trial record ... attempts to rewrite circuit precedence, and deliberately misquotes his cited references ... to support his ruling” dismissing complainant’s petition for a writ of habeas corpus. He asserts further that the judge “has obviously joined a criminal conspiracy” with the district attorney’s and county sheriff’s offices, and “is personally advocating for the State of Texas”. Complainant also protests that the judge “has been made aware” that complainant “is actively trying to have him impeached from office and/or criminal charges levied against him, yet [the] judge claims he should not be considered partial, or be recused from this case.” Without providing any evidence to support the claim, complainant contends that the judge “has a pecuniary interest in the case.”

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 assertions of conspiracy and conflict of interest are insufficient to support a finding of judicial misconduct, and are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

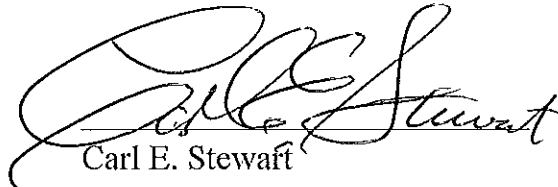
In addition, complainant alleges that the judge “refused/failed to” provide him with timely copies of the memorandum opinion and final judgment, thereby “deliberately

tried to window [complainant] out of his opportunity to appeal [the judge's] wrongful order.”

It is the responsibility of the district court clerk's office to transmit copies of orders to the parties, not the responsibility of the judge. The allegation is also subject to dismissal as frivolous 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

March 21, 2016