

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

Complaint Number: 05-16-90069

MEMORANDUM

Complainant, a *pro se* litigant, complains that the subject United States District Judge dismissed his two civil actions. In particular, complainant protests that the order dismissing one case is vague—“[W]hat in the hell does ... “it is unlikely that this Court has jurisdiction” mean?”—and he concludes that the judge is an “ignorant racist”.


To the extent that allegations relate directly to the merits of the judge’s decision, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, such conclusory assertions of racial animus are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

Complainant further alleges that the judge “took a lot of time to determine if [my] IFP was in order.”

A review of the dockets shows that the judge took eleven days in one case, and seventeen days in the other, between the motions being filed and entering orders granting them. Such brief delays in rendering decisions are not evidence of judicial misconduct. These allegations are also subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii). See Rule 3(h)(3)(B) of the Rules For Judicial-Conduct and Judicial-Disability Proceedings.

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

April 5, 2016