

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

JUN 06 2016

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Complaint Number: 05-16-90083

MEMORANDUM

Complainant, a state prisoner, has filed a convoluted judicial misconduct complaint alleging that the subject United States Magistrate Judge engaged in “corruption, concealment of fraud, unlawful corrupt or unethical practices, impartiality under Cannon Law or otherwise” in two civil proceedings. In support of these assertions, complainant submits that:

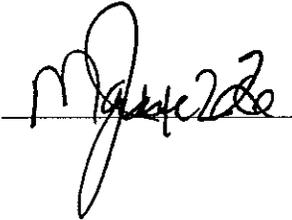
- In a 2008 proceeding, the district court erroneously held that complainant was properly served notice of the motion for summary judgment, failed to notify him “writtenly [sic] or orally or by a court order” to appear before the court to argue his right to certain insurance proceeds, and improperly granted the motion for summary judgment.
- In a 2012 proceeding, instead of referring complainant’s “Motion/Notice of Filing of Judiciary Complaint” to the Fifth Circuit for review, the magistrate judge improperly dismissed the motion, recommended that the habeas petition be denied (in retaliation for complainant’s having filed the ‘judiciary complaint’), and has intentionally withheld “several critical missing portion[s]” of the record in the related appeal.

The undersigned notes that the allegedly erroneous decisions in the 2008 proceeding were made by a now-deceased United States District Judge, and against whom no judicial misconduct complaint may be entertained. To the extent that the

allegations relate to the merits of the magistrate judge's decisions in the two proceedings, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, such conclusory assertions of conspiracy, corruption, and retaliation 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).

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.

 , 2016


Carl E. Stewart
Chief Judge

U. S. COURT OF APPEALS
FILED

JUL 27 2016

FIFTH CIRCUIT
LYLE W. GAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-16-90083
Petition for Review by [REDACTED]
of the Final Order Filed June 6, 2016
Dismissing Judicial Misconduct Complaint Against
[REDACTED]
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 Stewart, filed June 6, 2016, dismissing the Complaint of [REDACTED], against [REDACTED], under the Judicial Improvements Act of 2002.

The Order is therefore

AFFIRMED.

7-18-2016
Date

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