

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: 05-16-90084

MEMORANDUM

Complainant, a state prisoner, alleges that in denying his motions for reconsideration and appointment of counsel, the subject United States District Judge failed to address “the absolute truth of [complainant’s] repeated complaints of injustice by the State and federal habeas courts.” He further alleges that his “city, state, federal habeas court records have been tampered with in order to substantially conceal favorable evidence,” and appears to assert that this is “due to the absolute bias negligence” of the judge and/or the district “habeas court administration.” Complainant concludes that the judge’s rulings and conduct constitute evidence of “racial and judicial ethnic bias treatment ... mental disability ... insensitivity ... concealment of favorable evidence ... [and] intentional-ill-willed-contempt.”

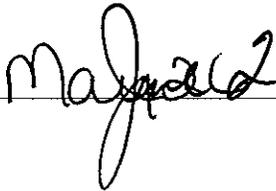
To the extent that the allegations relate directly to the merits of the judge’s decisions, they are to subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, such conclusory assertions of bias, racial discrimination, mental disability, and record-tampering are insufficient to support a finding of judicial misconduct, and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

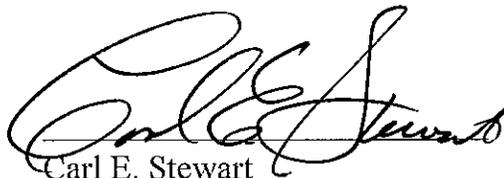
This is complainant’s third merits-related judicial misconduct complaint. Complainant is WARNED that should he file a further merits-related, conclusory or frivolous complaint, his right to file complaints may be suspended and, unless he is able to show cause why he should not be barred from filing future complaints, the

suspension will continue indefinitely. See Rule 10(a), Rules For Judicial-Conduct or 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.

 2016


Carl E. Stewart
Chief Judge

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FILED

AUG 23 2016

**FIFTH CIRCUIT
LYLE W. CAYCE, CLERK**

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-16-90084

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.

August 16, 2016
Date

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