

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS

**FILED**

AUG 04 2016

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

Complaint Numbers: 05-16-90106 through 05-16-90109

MEMORANDUM

Complainant, a state prisoner, complains that the subject United States District Judge “out-right refused to permit or even consider [my] Rule 60(b)(4) motion ... misrepresented the law and/or applicability of Rule 60(b)(4),” and thereby violated complainant’s due process rights. He submits that the judge engaged in “intentional and arbitrary discrimination, plain usurpation of power ... and demonstrable egregious misconduct.” He further alleges that “the same issue and/or complaint of misconduct must also be taken with” the three subject United States Circuit Judges who denied his application for a certificate of appealability from the district judge’s ruling, and who “slammed the doors of the federal Court of Appeals in [my] face with an unwarranted threat of sanctions.”

Complainant concludes that by “refus[ing] to permit the consideration of a “void” judgment challenge brought under Rule 60(b)(4)” the subject judges “tyrannically deprived” him of access to the courts “in their open rebellion against the Constitution, [and] fixed rules and laws of the United States.”

The allegations relate directly to the merits of the judges’ decisions, and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

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

July 12, 2016

U. S. COURT OF APPEALS  
**FILED**

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FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL  
OF THE FIFTH CIRCUIT

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No. 05-16-90106 through 05-16-90109  
Petition for Review by [REDACTED]  
of the Final Order Filed August 4, 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 Stewart, filed August 4, 2016, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

**AFFIRMED.**

11-4-2016  
Date

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