

AUG 04 2016

FIFTH CIRCUIT
LYLE W. GAYCE, CLERKIN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Complaint Number: 05-16-90110

M E M O R A N D U M

Complainant, a federal detainee, has filed a judicial misconduct complaint against the subject United States District Judge who is presiding over his criminal proceeding. Complainant—who submits that the extradition papers were “incomplete”, the criminal complaint filed against him was “absolutely deficient,” and that he has been detained longer than the maximum sentence applicable to the crime with which he is charged—alleges that the judge is “responsible for continuing this judicial travesty against me.” He further asserts that the denial of his *pro se* motion to amend an order for a mental competency evaluation demonstrates that the judge “is openly hostile not only to me, but to American Chemical Engineers, in general.” Complainant also alleges that the judge’s denial of his motion to dismiss counsel (and proceed *pro se*) “is in gross violation of international laws governing human rights for pretrial detainees of less serious charges.”

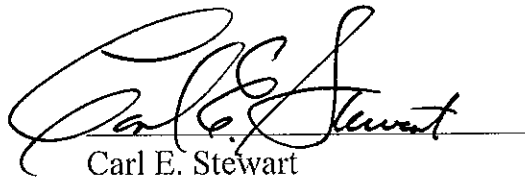
To the extent that these allegations relate directly to the merits of the judge’s decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, such conclusory assertions of hostility are insufficient to support a finding of judicial misconduct, and are therefore subject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

In addition, complainant contends that the judge has “lost the respect and control of her own subordinates” because the Clerk made a “judicial decision” to return certain *pro se* filings to complainant who was represented by counsel.

The allegation is patently frivolous and is therefore also 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.

A handwritten signature in black ink, appearing to read "Carl E. Stewart", written over a horizontal line.

Carl E. Stewart
Chief Judge

July 15, 2016

DEC 28 2016

FIFTH CIRCUIT
LYLE W. GAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-16-90110

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.

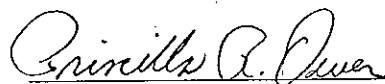
ORDER

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 [REDACTED], under the Judicial Improvements Act of 2002.

The Order is therefore

AFFIRMED.

12-22-2016
Date



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