

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

NOV 02 2016

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Complaint Number: 05-16-90122

MEMORANDUM

Complainant, a federal prisoner, complains that despite his providing evidence “about the actual commission of felonies that occurred” in subject United States District Judge’s court, the judge “ignored” his claims and denied the motions. He further contends that these decisions “gave the impression” that the judge either “fears criticism since the felonies occurred in his court” or “openly condones the perjured testimony of a law enforcement professional which was used to secure an arrest warrant for me, ... created a scheme to obstruct justice and conceal a felony, ... and intentionally used that scheme to misrepresent those facts” by characterizing the motions as frivolous. Complainant also submits that one of the motions—which was captioned for filing in the underlying criminal proceeding—was addressed to the Chief United States District Judge, and it was therefore improper for the judge to rule on that motion. He claims that the judge’s “contrarian and inconsistent” conduct demonstrates disrespect, bias, lack of integrity, incompetence in the law, and mental disability.

To the extent that the 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 bias, incompetence, and mental disability are insufficient to support findings of judicial misconduct or disability, 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.



Carl E. Stewart
Chief Judge

August 31, 2016