

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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Complaint Numbers: 05-16-90123 and 05-16-90124

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MEMORANDUM

Complainant, a state prisoner, complains that the subject United States Magistrate Judge “intentionally” delayed screening Case A “while he completely dismantled” Case B, i.e., “dismissed defendants without reason adequate to law,” “denied every request made by [me] to allow proper litigation against [state] Attorney General,” “ignored request for Change of Venue, Transfer of Custody, and all other complaints made as to defendants’ acts of violation.” Complainant further asserts that the magistrate judge “showed bias, and abused his discretion,” and transferred Case A to another court “knowing [I] was under order by [another district judge] to file no further claims in that court.”<sup>1</sup>

Complainant also alleges that in the transferred matter, the subject United States District Judge “then denied every motion filed ... prior to transfer and after. Along with not recognizing the claims as a question of State Constitutionality. It was filed that way and the federal courts threw blinders on the claims [sic] purpose.”

In addition, complainant submits that the judge and the magistrate judge “completely ignored the federal laws and jurisdictional rules of the court” and denied him an opportunity to be heard on his claims.

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<sup>1</sup> The undersigned notes that complainant is mistaken. A review of the relevant docket shows that the injunction applied only to complainant’s filing anything further in that proceeding.

To the extent that these allegations relate directly to the merits of the judge's and the magistrate 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 intentional delay and bias 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.



Carl E. Stewart  
Chief Judge

August 31, 2016

DEC 28 2016

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL  
OF THE FIFTH CIRCUIT

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No. 05-16-90123 through 05-16-90124  
Petition for Review by [REDACTED]  
of the Final Order Filed November 2, 2016  
Dismissing Judicial Misconduct Complaint Against  
[REDACTED] and  
[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 November 2, 2016, dismissing the Complaint of [REDACTED] against [REDACTED] and [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