

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

JAN 04 2017

Complaint Numbers: 05-17-90017 through 05-17-90020

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

MEMORANDUM

In a barely intelligible judicial misconduct complaint, complainant, a *pro se* litigant, alleges that the subject United States District Judge “had the nerve to dismissed [sic] [my] case for lack of subject matter, with prejudice.” He appears to further complain that the district judge made erroneous findings.

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

Complainant complains further that “two pages were taken from records excerpts” filed in his appeal.

To the extent, if any, that complainant is alleging that the district judge intentionally transmitted an incomplete record on appeal, it is the responsibility of the district court clerk to transmit the record and the allegation is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii). To the extent, if any, that he is alleging that the district judge instructed the clerk to transmit an incomplete record, such a conclusory assertion is insufficient to support a finding of judicial misconduct and is therefore also subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

Complainant complains that the three subject United States Circuit Judges denied his motion for an extension of time to file a reply brief. He appears to further allege that the judges “knew that” the exhibits he sought leave to file in support of his petition for rehearing “are true”, but denied leave to file. Complainant also complains that the judges “refused” his motions to stay the mandate (the clerk took no action on the motions

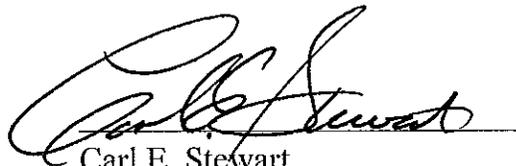
because they were untimely filed), and “have also given [me] many-many other trouble [sic]” by denying and “refusing” other motions.

These allegations relate directly to the merits of the circuit 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.

December 28, 2016


Carl E. Stewart
Chief Judge