

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

JAN 04 2017

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Complaint Number: 05-17-90025

MEMORANDUM

Complainant, a state detainee, has filed his second complaint in less than four months against the subject United States Magistrate Judge. Complainant asserts that the magistrate judge “has retaliated [sic] against me now using one of his corrupt [state court judges] against me ... to continue to cause me trouble in the local jail.” The only evidence complainant provides in support of this allegation is a copy of a letter he wrote to his criminal defense attorney protesting that the attorney “allowed” the criminal case “to be transferred to [the state court judge] in which [sic] you know is 100 per cent against me because of a move on his friend [the magistrate judge].”

Such a conclusory assertion of retaliatory conduct is insufficient to support a finding of judicial misconduct, and is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

An order dismissing the complaint is entered simultaneously herewith.


Carl E. Stewart
Chief Judge

Dismissed, 2016