

AUG 01 2017

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

Complaint Numbers: 05-17-90054 and 05-17-90055

M E M O R A N D U M

Complainant, a *pro se* litigant, has filed a barely intelligible judicial misconduct in which he alleges that “by rendering a contested objection to [my] Initial Subpoena Authorization objective relief motion,” the subject United States Magistrate Judge “effectuated an obstruction of affirmative preceding justice ... deliberately suppressing potential merit evidence.”

To the extent that the allegations relate directly to the merits of 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 “obstruction of justice” are insufficient to support a finding of judicial misconduct and are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

Complainant further complains that the subject United States District Judge “fail[ed] to respond to [my] Summary Judgment Motion within the [statutory] responding time bar for entering dissenting adjudication.”

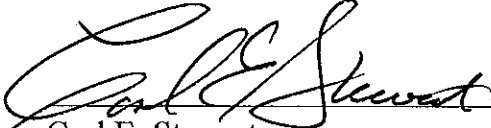
To the extent that the allegations relate directly to the merits of the judge’s and the magistrate judge’s decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, such conclusory assertions of bias are insufficient to support a finding of judicial misconduct and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

This is complainant's third merits-related, conclusory or frivolous judicial misconduct complaint. Complainant is WARNED that should he file a further merits-related, conclusory or frivolous complaint, his right to file complaints may be suspended and, unless he is able to show cause why he should not be barred from filing future complaints, the suspension will continue indefinitely. See Rule 10(a), Rules For Judicial-Conduct or Judicial-Disability Proceedings.

An order dismissing the complaint is entered simultaneously herewith.

July 29, 2017


Carl E. Stewart
Chief Judge