

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

OCT 17 2017

Docket Number: 05-17-90088

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

MEMORANDUM


Complainant, a federal prisoner, alleges that the subject United States District Judge violated his rights under federal and state laws by denying numerous motions to dismiss the indictment. Complainant further complains that the judge characterized his argument that, pursuant to an "Affidavit of Reservation of Rights," he was not subject to federal laws as "unintelligible nonsense." He concludes that these adverse rulings constitute evidence that the judge "is clearly in rebellion to the Constitution and is fit to be impeached."

The allegations relate directly to the merits of the judge's 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.

This is complainant's second merits-related judicial misconduct complaint in less than one month regarding the same proceeding. 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.


Carl E. Stewart
Chief Judge

October 11, 2017