

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED
OCT 17 2017

Docket Numbers: 05-17-90096 and 05-17-90097

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK


MEMORANDUM

Complainant, a state prisoner, alleges that in denying him authorization to file a successive habeas petition, the two subject United States Circuit Judges applied irrelevant case law and improperly decided the matter as a quorum. Complainant submits that the judges violated precedent and “their oaths of office,” and conspired “to cover-up” complainant’s constitutional challenge to his conviction and sentence and to “defraud” him of his right to due process.

To the extent that the allegations relate directly to the merits of the judges’ decisions, including deciding the matter as a quorum pursuant to 28 U.S.C. § 46(d), they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the allegation that those decisions constitute evidence of a conspiracy against complainant 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.

An order dismissing the complaint is entered simultaneously herewith.


Carl E. Stewart
Chief Judge

October 11, 2017

DEC 20 2017

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-17-90096 and 05-17-90097
Petition for Review by [REDACTED]
of the Final Order Filed October 17, 2017
Dismissing Judicial Misconduct Complaint Against
[REDACTED]
Under the Judicial Improvements Act of 2002.

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 October 17, 2017, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

AFFIRMED.

12-16-2017
Date

Priscilla R. Owen
Priscilla R. Owen
United States Circuit Judge
For the Judicial Council of the Fifth Circuit