

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

OCT 18 2017

Docket Number: 05-17-90100

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

MEMORANDUM

Complainant, a state prisoner, complains that the subject United States District Judge improperly closed his prisoner civil rights lawsuit before the defendants filed responsive pleadings.

The allegation relates directly to the merits of the judge's decision, and is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

Complainant further asserts that the judge "is showing prejudice ... by just sitting on" a lawsuit filed by one of complainant's fellow inmates "while the case grows stale on the docket."

A review of the docket shows that there is no evidence of delay, intentional or otherwise, and this entirely frivolous allegation is therefore 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 12, 2017