

OCT 17 2017

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Docket Number: 05-17-90113


MEMORANDUM

Complainant, a state prisoner, complains that despite advising the court that he has no legal training and that prison officials are unlikely to comply with his requests for evidence, the subject United States Magistrate Judge denied his motions for appointment of counsel. He further complains that the magistrate judge improperly denied his motions to transfer venue. Without presenting any evidence other than these adverse rulings, complainant concludes that the magistrate judge engaged in “discrimination and equal protection of law violation” and “is seemingly out to cause me injury ... due to the court discovering why I’m imprisoned.”

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 bias are insufficient to support a finding of judicial misconduct, and is 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