

OCT 25 2017

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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Docket Number: 05-17-90124

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MEMORANDUM

Complainant, a state prisoner, complains that in dismissing his civil rights lawsuit against prison officials, the subject United States District Judge erroneously and “slanderosly” found “that I had not at all demonstrated exhaustion requirements.” He further contends that the judge “made certain” that complainant was not appointed counsel, and did so to “assist” the defendants “cover up [their] unlawful violations of my rights.” Complainant concludes that the judge ruled against him “more then [sic] likely due to me being incarcerated for ... sex crimes against kids.”

To the extent that the allegations relate directly to the merits of the 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 conspiracy and bias are insufficient to support a finding of judicial misconduct, and are 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 23, 2017