

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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Docket Numbers: 05-17-90126 and 05-17-90128

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U. S. COURT OF APPEALS

**FILED**

OCT 25 2017

FIFTH CIRCUIT

LYLE W. CAYCE, CLERK

MEMORANDUM

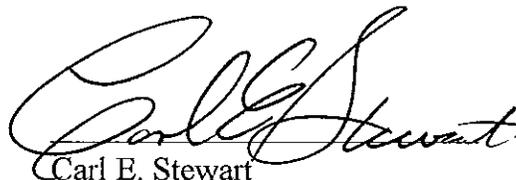
Complainant, a state prisoner, alleges that by refusing to grant his request to file a successive habeas petition, the three subject United States Circuit Judges “are actively participating in what they know to be a cover-up,” “intentionally violated their oaths of office,” and are “refusing to uphold the U.S. Constitution.”

To the extent that the allegations relate directly to the merits of the judges’ decision, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, such a conclusory assertion that the decision constitutes evidence of an intentional cover-up 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.

This is complainant’s second merits-related and conclusory judicial misconduct complaint in less than five months raising essentially the same allegations. 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 23, 2017

U. S. COURT OF APPEALS  
**FILED**

DEC 20 2017

FIFTH CIRCUIT  
LYLE W. GAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL  
OF THE FIFTH CIRCUIT

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No. 05-17-90126 through 05-17-90128  
Petition for Review by [REDACTED]  
of the Final Order Filed October 25, 2017  
Dismissing Judicial Misconduct Complaint Against  
[REDACTED]  
Under the Judicial Improvements Act of 2002.

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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 25, 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