

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

DEC 13 2017

Complaint Numbers: 05-18-90012 through 05-18-90014

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

MEMORANDUM

Complainant, a *pro se* litigant, has filed a judicial misconduct complaint aimed at the conduct of the subject United States District Judge and United States Magistrate A in one civil proceeding, and at the conduct of Magistrate Judge B in another civil proceeding.

Both matters were dismissed without prejudice for want of prosecution, and complainant alleges that the judge and the magistrate judges:


- engaged in “tampering ... it’s a judicial disability because they ignore[d] credible evidence”;
- improperly and prejudicially gave the defendants “3-6 months ... to respond to the pleadings”;
- “have not commented on any of the evidence which is unlawful”; and,
- engaged in “corrupt[ion] ... by interfering with all of these litigations that involve monetary compensation; I accuse everyone of racial discrimination for Age, Race, & Disability.”

To the extent that the allegations relate directly to the merits of the judge’s and the magistrate judges’ decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, such conclusory assertions of racial 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.

This is complainant's third merits-related and conclusory complaint, and he has been warned previously against filing further merits-related, conclusory, or frivolous complaints. Complainant's right to file complaints is hereby SUSPENDED pursuant to Rule 10(a), Rules For Judicial-Conduct or Judicial-Disability Proceedings. Complainant may show cause, through a petition for review submitted pursuant to Rule 18, why his right to file further complaints should not be so limited.

An order dismissing the complaint is entered simultaneously herewith.



Carl E. Stewart
Chief Judge

December 7, 2017