

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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

JAN 10 2019

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

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Complaint Number: 05-18-90021

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REVISED MEMORANDUM

The memorandum entered January 3, 2018 dismissing the above-referenced judicial misconduct complaint is vacated, and is replaced by this revised memorandum.

Complainant, a state detainee, alleges that by entering orders after he declined to consent to proceed before a magistrate judge, the subject United States Magistrate Judge “is intentionally undermining the U.S. judiciary by ... unlawfully exercising jurisdiction” in complainant’s prisoner civil rights proceeding.

A litigant has no right to object to the assignment of nondispositive matters to a magistrate judge under 28 U.S.C. § 636(b). See Jackson v. Cain, 864 F.2d 1235, 1247 (5<sup>th</sup> Cir. 1989). The allegation is therefore subject to dismissal as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii).

Complainant’s further allegation that the magistrate judge lacked jurisdiction to deny his motion for injunctive relief and to dismiss certain claims as duplicative relates directly to the merits of the magistrate judge’s ruling, and is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

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.

Date

*January 7, 2019*

  
Carl E. Stewart  
Chief Judge