

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS

**FILED**

JAN 29 2018

FIFTH CIRCUIT  
LYLE W. GAYGE, CLERK

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Complaint Number: 05-18-90028

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MEMORANDUM

Complainant, a state prisoner, complains that the subject United States District Judge violated his Constitutional rights by denying a motion for appointment of counsel, and by ordering complainant to file a response to the defendant's Martinez Report.

The allegations relate directly to the merits of the judge's decisions, and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

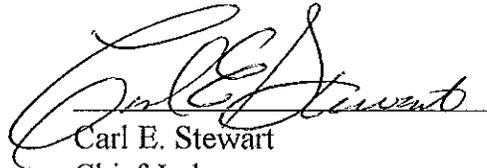
Judicial misconduct proceedings are not a substitute for the normal appellate review process, nor may they be used to obtain reversal of a decision or a new trial.

This is complainant's third merits-related judicial misconduct complaint within three months. 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.

Date

*January 23, 2018*

  
Carl E. Stewart  
Chief Judge