

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

JAN 14 2019

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Docket Number: 05-18-90032

MEMORANDUM

Complainant, a state prisoner, complains that by dismissing his pro se civil rights action against prison officials, the subject United States District Judge retaliated against him for filing a prior complaint alleging delay in the processing of that action. He asks that the judge's ruling be vacated and that an injunction enter against the alleged wrongful practices asserted in his lawsuit.

The allegations relate to the merits of the judge's rulings, and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). To the extent that complainant asserts bias by the judge, based solely on the filing of the prior complaint and the alleged wrongfulness of the dismissal order, the allegation is subject to dismissal as frivolous 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 fourth judicial misconduct complaint, and the third such complaint to be dismissed as merits-related or frivolous. Complainant is WARNED that should he file a further merits-related, frivolous, or conclusory 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

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