

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS

FILED

JAN 10 2019

FIFTH CIRCUIT
LYLE W. GAYCE, CLERK

Docket Number: 05-18-90034

MEMORANDUM


Complainant, a *pro se* litigant, has filed a judicial misconduct complaint against the subject United States District Judge who, in December 2017, ordered that complainant's civil rights lawsuit be stricken from the record for failure to pay, within 30 days, almost \$14,500 in outstanding filing fees and costs. Complainant alleges that the judge's order was "bias[ed], wrong, unconscionable, arbitrarily wrong and perhaps illegal." He further asserts that the judge had a "Racial Motive – White male old age Judge, Plaintiff Black male, age 64, U.S. Navy Ve[teran]."

To the extent that the allegations relate directly to the merits of the judge's decision, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, such conclusory assertions of racial animus 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. An order dismissing the complaint is entered simultaneously herewith.



Carl E. Stewart
Chief Judge

 _____, 2019

FEB 15 2019

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-18-90034

Petition for Review by [REDACTED]
of the Final Order Filed January 10, 2019,
Dismissing Judicial Misconduct Complaint

Against [REDACTED]

Under the Judicial Improvements Act of 2002.

ORDER

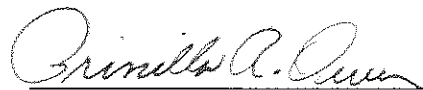
An Appellate Review Panel of the Judicial Council for the Fifth Circuit has reviewed the above-captioned petition for review, and all the members of the Panel have voted to affirm the order of Chief Judge Carl E. Stewart, filed January 10, 2019, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

AFFIRMED.

Date

2-10-2019



Priscilla R. Owen
United States Circuit Judge
For the Judicial Council of the Fifth Circuit