

JAN 14 2019

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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Complaint Number: 05-18-90058

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MEMORANDUM

Complainant, a state prisoner, has filed a barely intelligible judicial misconduct complaint against the subject United States District Judge who is presiding over a prisoner class action lawsuit in which complainant was denied permission to intervene in May 2017. He appears to complain that the judge “ignored” his June 2017 recusal motion and his September 2017 Rule 60(b) motion, in both of which complainant asserted that the district court lacked jurisdiction. He further alleges that the judge committed “fed crimes” by continuing to preside in a case in which the court purportedly lacks jurisdiction.

To the extent, if any, that the allegations relate directly to the merits of the judge’s implicit decision that the district court does not lack jurisdiction, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). To the extent that the allegations might be construed as asserting undue delay in ruling on the motions of a non-party, there is no evidence of improper motive or lack of diligence, and the allegation is subject to dismissal 28 U.S.C. § 352(b)(1)(A)(iii). See Rule 3(h)(3)(B) of the Rules For Judicial-Conduct and Judicial-Disability Proceedings.

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.

  
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Carl E. Stewart  
Chief Judge

  
Date

APR 16 2019

FIFTH CIRCUIT  
LYLE W. GAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL  
OF THE FIFTH CIRCUIT

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No. 05-18-90058

Petition for Review by [REDACTED]  
of the Final Order Filed January 14, 2019,  
Dismissing Judicial Misconduct Complaint

Against [REDACTED]  
Under the Judicial Improvements Act of 2002.

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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 14, 2019, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

**AFFIRMED.**

Date

4.06.19



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