

JAN 14 2019

FIFTH CIRCUIT
LYLE W. CAYCE, CLERKIN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Complaint Number: 05-18-90063

MEMORANDUM

Complainant, an attorney, has filed a judicial misconduct complaint against a bankruptcy judge. Complainant complains that the judge ordered him to appear at a hearing without authority and then issued a bench warrant for complainant's arrest when he did not appear. Complainant asserts that the orders violated his due process and civil rights, that the judge was not "performing his judicial duties in good faith," and that "the only possible reasons" for the order were the judge's "personal animosity" toward complainant and a "belief that he could simply bully me into complying with an illegal order because a legal challenging (sic) the order would be much more trouble for me than simply obeying it."

To the extent that the allegations relate directly to the merits of decisions or procedural rulings, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, conclusory assertions of improper motive are insufficient to support a finding of judicial misconduct, and are 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



Jimmy G, 2019

FILED

MAR 15 2019

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-18-90063

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.

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.

March 13, 2019
Date

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