

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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Docket Number: 05-18-90071

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U. S. COURT OF APPEALS

FILED

JAN 14 2019

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

MEMORANDUM

Complainant, a *pro se* litigant, alleges that the subject United States Magistrate Judge's recommendation that the district court deny complainant's motion to proceed *in forma pauperis* was "a unilateral and discriminatory attack on my declared state of destitution." He further asserts that the magistrate judge's order regarding service of process "provided misleading, inaccurate, and improper information regarding my failure to provide completed summons[es]," and constitutes proof of "retaliatory conduct ... creating a malignancy in the integrity of [the] court."

To the extent that the allegations relate directly to the merits of the magistrate judge's decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, such conclusory assertions of bias and retaliatory conduct 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

January 9, 2019