

JAN 16 2019

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

Docket Number: 05-18-90094

M E M O R A N D U M

Complainant, a state prisoner, has filed his second judicial misconduct complaint in less than a month against the subject United States Magistrate Judge regarding the same proceeding. Complainant complains about the same decisions, as well as a July 9, 2018 order staying the proceeding, but now alleges that the magistrate judge “obstructed justice by the act[s] to prevent, and did prevent the execution of lawful process, by which [he] failed in his judicial capacity to follow mandatory lawful procedures ... failed to conduct an independent investigation ... and failed to issue a show cause order” regarding complainant’s claims that defense counsel committed fraud on the court.

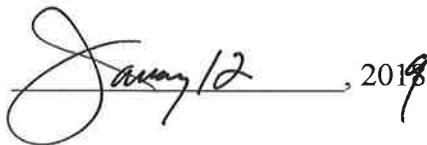
The allegations relate directly to the merits of the magistrate judge’s decisions, and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

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 12, 2019