

OCT 19 2018

FIFTH CIRCUIT
LYLE W. GAYCE, CLERK

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Docket Numbers: 05-19-90004 through 05-19-90008

MEMORANDUM

Complainant, a federal prisoner, alleges that the subject former United States Magistrate Judge and the subject United States District Judge ignored his claims against the defendants in finding that he had failed to show that he was in imminent danger of physical injury and therefore could not proceed in forma pauperis. He further asserts that in dismissing his appeal, the three subject United States Circuit Judges “made false statements” about his claims. Based on the clerk’s notice that no action would be taken on complainant’s petition for rehearing en banc because it was untimely filed, he also alleges that the circuit judges “prevented my petition for rehearing en banc from going before the full Court.”

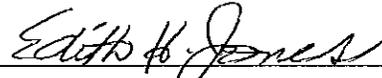
The magistrate judge is retired and is therefore not subject to the Judicial Improvements Act. *See* 28 U.S.C. § 351(d)(1) and Rule 4 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. Complainant’s allegations against the magistrate judge are therefore concluded under 28 U.S.C. § 352(b)(2).

As to the district judge and the circuit judges, the allegations relate directly to the merits of their 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.

This is complainant's second merits-related judicial misconduct complaint in less than a month. Complainant is WARNED that should he file a further merits-related, conclusory, or frivolous complaint, his right to file complaints may be suspended and, unless he is able to show cause why he should not be barred from filing future complaints, the suspension will continue indefinitely. See Rule 10(a), Rules For Judicial-Conduct or Judicial-Disability Proceedings.

An order dismissing the complaint is entered simultaneously herewith.



Edith H. Jones

Circuit Judge

10/16, 2018

NOV 26 2018

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-19-90004 through 05-19-90008

Petition for Review by [REDACTED]
of the Final Order Filed October 19, 2018,
Dismissing Judicial Misconduct Complaint

Against [REDACTED] and [REDACTED]

[REDACTED] and [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 Circuit Judge Edith H. Jones, filed October 19, 2018, dismissing the Complaint of [REDACTED] against [REDACTED] and [REDACTED] and [REDACTED], under the Judicial Improvements Act of 2002.

The Order is therefore

AFFIRMED.

11-15-2018
Date

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