

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

FEB 22 2019

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Docket Number: 05-19-90019

MEMORANDUM

Complainant, a state prisoner, has filed a judicial misconduct complaint regarding rulings made by the subject United States Magistrate Judge in two civil proceedings. He alleges that the magistrate judge made “erroneous findings ... contrary to clearly established law” in recommending that the lawsuits should be dismissed, “abused her discretion,” and has “been denying me access to the courts to redress my grievance.” Complainant further asserts that the magistrate judge “has treated this mentally ill pro se plaintiff in a discriminatory manner ... trying to dismiss [the second] civil rights action out of court, after paying the full filing fee.”

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, the assertion of discrimination appears entirely derivative of the merits-related charges, but to the extent the allegation is separate, it is wholly unsupported, and is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii) as “lacking sufficient evidence to raise an inference that misconduct has occurred.”

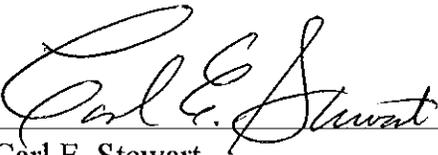
Judicial misconduct proceedings are not a substitute for the normal appellate review process, nor may they be used to obtain reversal of a decision or a new trial.

This is complainant’s third complaint to be dismissed as merits-related, and his second complaint to be dismissed as conclusory. Complainant is WARNED that should he file a further merits-related, frivolous, or conclusory 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.

February 18, 2019



Carl E. Stewart
Chief Judge