

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: 05-19-90032

MEMORANDUM

Complainant, a state prisoner, complains that the subject United States District Judge “has failed to take corrective action” regarding complainant’s allegations of misconduct by the district court clerk in processing complainant’s filings in the underlying civil case. Noting that he consented to proceed before a magistrate judge, complainant further contends that the judge’s retention of the case and his undue delay in ruling on motions constitute evidence of bias.

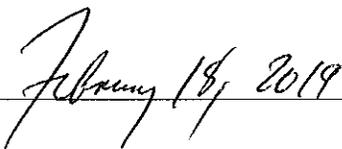
To the extent that the allegation relates directly to the merits of the judge’s decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the conclusory assertions that the judge’s decision to retain the case and his delay in ruling on motions constitute evidence of bias are insufficient to raise an inference that misconduct has occurred 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



February 18, 2019

APR 23 2019

FIFTH CIRCUIT
LYLE W. GAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-19-90032

Petition for Review by [REDACTED]
of the Final Order Filed February 22, 2019,
Dismissing Judicial Misconduct Complaint
Against [REDACTED]
Under the Judicial Improvements Act of 2002.

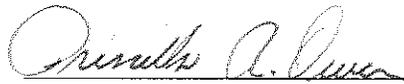
ORDER

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 February 22, 2019, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

AFFIRMED.

4-16-2019
Date


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