

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

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Docket Number: 05-19-90035

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MEMORANDUM

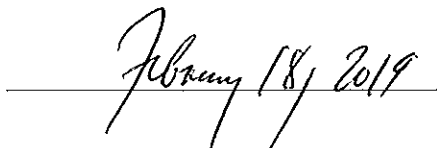
Complainant, a state prisoner, alleges that the subject United States District Judge's denial of his 28 U.S.C. § 2254 petition before the magistrate judge could enter a Report and Recommendation was contrary to federal law and the district court's local rules, and deprived complainant of an "opportunity to file objections and COA." He further complains that the judge's instruction that the clerk return all further pleadings other than a notice of appeal was inapplicable to his subsequent Rule 60(b) motion and the judge's "refus[al] to file, hear and rule on" that motion "effectively closed the courthouse doors to [me]." Complainant concludes that the judge's decisions "do not fall within any rule of law ... [and] therefore can only be tied to some type of bias, special treatment for other officials of the courts."

To the extent that the allegations relate 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 assertions of "bias" and "special treatment [of] other [court] officials" appear entirely derivative of the merits-related charges, but to the extent the allegations are separate, they are wholly unsupported, 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.

  
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Carl E. Stewart  
Chief Judge

  
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February 18, 2019