

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS

FILED

MAR 11 2019

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

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Docket Number: 05-19-90036

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MEMORANDUM

Complainant, a federal prisoner, alleges that the subject United States District Judge denied his recusal motions and “improperly adjudicated [my] claims, denying without reason, all motions filed related to [my] innocence and the newly discovered evidence presented to the Court.” He further claims that the judge’s decision to grant the United States’ Rule 60(b) motion two weeks before complainant was due to be resentenced in the underlying criminal proceeding was erroneous and improper because: the motion should have been filed in the criminal proceeding; the motion was granted without affording complainant an opportunity to file a response; and in granting the motion, the judge “den[ied] proper adjudication” of complainant’s claims pending in the criminal proceeding assigned to another district judge.

The allegations relate directly to the merits of the 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.

This is complainant’s third merits-related complaint, and he has been warned previously against filing further merits-related, conclusory, frivolous, or repetitive complaints. Complainant’s right to file complaints is hereby SUSPENDED pursuant to Rule 10(a), Rules For Judicial-Conduct or Judicial-

Disability Proceedings. Complainant may show cause, through a petition for review submitted pursuant to Rule 18, why his right to file further complaints should not be so limited.

An order dismissing the complaint is entered simultaneously herewith.

  
\_\_\_\_\_  
Carl E. Stewart  
Chief Judge

  
\_\_\_\_\_, 2019

MAY 23 2019

FIFTH CIRCUIT  
LYLE W. GAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL  
OF THE FIFTH CIRCUIT

No. 05-19-90036

Petition for Review by [REDACTED]  
of the Final Order Filed March 11, 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 March 11, 2019, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

**AFFIRMED.**

Date

5-21-2019



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