

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

U.S. COURT OF APPEALS  
**FILED**

MAR 11 2019

Docket Numbers: 05-19-90042 and 05-19-90043

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

MEMORANDUM

Complainant, a pro se litigant, alleges that the subject United States District Judge and the subject United States Magistrate Judge engaged in “racketeering and intercepting ruling[s] and sending out fake orders” because they denied complainant’s requests “to hold a hearing to validate their orders.” Noting that “several defendants did not ask for a dismissal and answered the complaint” and that his “motions for amended complaint” were pending, complainant further asserts that the magistrate judge’s recommendation that the court should dismiss the lawsuit for lack of jurisdiction was premature and the judge’s adoption of the recommendation was erroneous.

To the extent that the allegations relate directly to the merits of the judge’s and the magistrate judge’s decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the assertions of racketeering and issuing fraudulent orders appear entirely derivative of the merits-related charges, but to the extent the allegations are separate, they are wholly unsupported, and are 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

 March 5, 2019

APR 03 2019

FIFTH CIRCUIT  
LYLE W. GAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL  
OF THE FIFTH CIRCUIT

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No. 05-19-90042 and 05-19-90043  
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.

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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]

[REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

**AFFIRMED.**

3-29-2019  
Date

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