

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

FEB 07 2019

Docket Numbers: 05-19-90048 through 05-19-90050

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

MEMORANDUM

Without providing any evidence in support of his claims, complainant, an immigration detainee, alleges that “maybe-possibl[y]” the three subject United States Circuit Judges:

- used their “office-position to obtain special treatment for friends or relatives from” the Appellee, a government agency;
- accepted bribes, gifts, or other personal favors from the Appellee;
- engaged in ex parte communications with the Appellee;
- “refus[ed] to cooperate in the investigation of [my] complaint”; and,
- intentionally delayed making their erroneous “bad faith” decision “after [my] deportation by force to Mexico.”

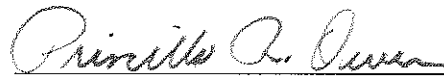
Complainant contends that this misconduct demonstrates judicial “conspiracy ... incompetence, misconduct, neglect of duty” and bias. He further asserts that Judge C is “100% possible allied[sic] with al-Qaeda-Iraqi [sic] Terrorist groups in Irak-Mexico-US [sic] and other countr[ies].” Complainant also contends that because they were born in Texas, Judges B and C are “Texas gang members conspir[ing] against [me].” He concludes that the misconduct of the three subject judges demonstrates “mental disabilities, bad state [sic] of minds, and more.”

To the extent the complaint relates directly to the merits of the judges’ decisions, it is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the allegations of abuse of judicial office, ex parte communication, bias, intentional delay, conspiracy, and mental disability 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.

This is complainant's second merits-related and utterly conclusory judicial misconduct complaint in less than a month. Complainant is WARNED that should he file a further merits-related, conclusory, frivolous, or repetitive 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.



Priscilla R. Owen
Circuit Judge

2-3, 2019

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

MAR 12 2019

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Complaint Nos. 05-19-90048 through 05-19-90050

Petition for Review by [REDACTED]
of the Final Order Filed February 7, 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 Circuit Judge Priscilla R. Owen, filed February 7, 2019, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

AFFIRMED.

Date

3/6/19

Edith H. Jones

Edith H. Jones

United States Circuit Judge

For the Judicial Council of the Fifth Circuit