

MAR 11 2019

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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Complaint Number: 05-19-90051

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MEMORANDUM

Complainant A and Complainant B, state prisoners, have filed a barely intelligible judicial misconduct complaint in which they appear to allege that the subject United States District Judge's dismissal of their lawsuit as frivolous constituted "retaliatory denial access [to] c[ourt]ts-counsel" to pro se litigants, "obstruct[ion] [of] justice," and "violation [of] civil rights].

To the extent that the allegations relate directly to the merits of the judge's decision, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the allegations of retaliation and obstruction of justice 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.

This is Complainant A's third merits-related, conclusory, or frivolous judicial misconduct complaint in less than nine months. Complainant A 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.



Carl E. Stewart  
Chief Judge

March 5, 2019  
Date