

JUN 27 2019

FIFTH CIRCUIT
LYLE W. GAYCE, CLERK

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Docket Numbers: 05-19-90069 through and 05-19-90072

MEMORANDUM

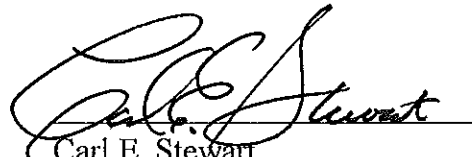
Complainants, five federal prisoners, have filed a judicial misconduct complaint against the two subject United States District Judges and the two subject United States Magistrate Judges. The complaint is regarding the criminal trial and post-conviction proceedings of a fellow federal inmate.


The complainants allege that the subject judicial officers “allowed judicial determinations to be made without federal judicial powers under Article III supporting such determinations. The United States neither alleged nor proffered evidence of “injury” to the Government and therefore, under the “case or controversy” doctrine, did not have “standing” to bring charges against [the defendant].” They further contend that Judge B “failed to make a lawful address to [the defendant’s] Rule 29 Motion for acquittal after trial” and thereby “subjected [the defendant] to unlawful detention since June 2015.”

Magistrate Judge A is retired and is therefore not subject to the Judicial Improvements Act, and the allegations against him may be concluded under 28 U.S.C. § 352(b)(2). As to the remaining judges and magistrate judge, the complaint relates directly to the merits of their decisions and is 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.

An order dismissing the complaint is entered simultaneously herewith.


Carl E. Stewart
Chief Judge

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