

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS

FILED

APR 30 2019

FIFTH CIRCUIT
LYLE R. GAYCE, CLERK

Docket Number: 05-19-90101

MEMORANDUM

Complainant, an immigration detainee, alleges that in tallying the votes of an Appellate Review Panel and signing an order on behalf of the Judicial Council regarding complainant's judicial misconduct complaint against a district judge, the subject United States Circuit Judge "abuse[d] his authority." Complainant submits that the circuit judge should have recused himself from tallying the votes and entering the order because, in a separate judicial misconduct complaint, complainant had alleged that the circuit judge and the district judge are "[redacted] gang members conspir[ing] against [me]."

The allegation relates directly to the merits of the circuit judge's implicit decision not to recuse himself from tallying the Appellate Review Panel member's votes and issuing an order on behalf of the Judicial Council and is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

Without providing any evidence in support of his claims, complainant further alleges that the circuit judge is "possibl[y] allied with al-Qaeda-Iraki [sic] Terrorist groups in U.S.A." and is "possibl[y]" a member of the district judge's family.

These conclusory assertions are so lacking in indicia of reliability as to warrant dismissal as frivolous 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 third merits-related and frivolous judicial misconduct complaint in three months 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.



Priscilla R. Owen
Circuit Judge

April 25, 2019

MAY 30 2019

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-19-90101

Petition for Review by [REDACTED]
of the Final Order Filed April 30, 2019,
Dismissing Judicial Misconduct Complaint
Against [REDACTED]
Under the Judicial Improvements Act of 2002.

ORDER

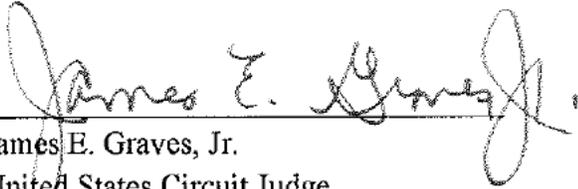
An Appellate Review Panel of the Judicial Council for the Fifth Circuit has reviewed the above-captioned petition for review, and all the members of the Panel have voted to affirm the order of Judge Owen, filed April 30, 2019, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

AFFIRMED IN ALL RESPECTS.

Date

05/21/19


James E. Graves, Jr.
United States Circuit Judge
For the Judicial Council of the Fifth Circuit