

FEB 11 2020

FIFTH CIRCUIT
LYLE W. GAYCE, CLERK

JUDICIAL COUNCIL
FOR THE FIFTH CIRCUIT

Complaint Number: 05-20-90036

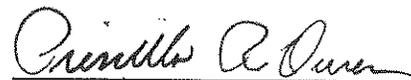
M E M O R A N D U M

Complainant, a federal prisoner, alleges that in denying reconsideration of the Clerk's order denying complainant's motion to reopen his appeal, the subject United States Circuit Judge improperly "affirm[ed] a clerk's dispositive decision to deny access to a mandatory three judge panel—that is prejudicial!"

To the extent that the complaint relates directly to the merits of a decision or procedural ruling, it is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, any assertion of prejudice appears entirely derivative of the merits-related charge, but to the extent the allegation is separate, it is wholly unsupported, and is 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.

An order dismissing the complaint is entered simultaneously herewith.



Priscilla R. Owen
Chief United States Circuit Judge

February 8, 2020