

**JUDICIAL COUNCIL
FOR THE FIFTH CIRCUIT**

Complaint Number: 05-20-90108

United States Court of Appeals
Fifth Circuit

FILED

June 5, 2020

Lyle W. Cayce
Clerk

M E M O R A N D U M

Complainant, a state prisoner, complains that the subject United States Circuit Judge “[did] not have authorization nor U.S. Constitution jurisdiction to issue the fraudulent [sanctions] order” in complainant’s 2017 proceeding seeking authorization to file a successive 28 U.S.C. § 2254 application.¹ He further complains that by restricting his ability to seek habeas relief in the Fifth Circuit or any court subject to that court’s jurisdiction, the order violates his “constitutional rights and human rights” because he is “a totally actually innocent man” whose ongoing imprisonment puts him in danger of contracting “the deadly coronavirus as a[n] elder medical chronical [sic] illness prisoner.”

These allegations relate directly to the merits of a decision or procedural ruling and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

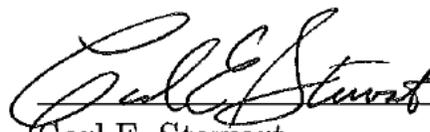
Referring to a newspaper article which reported that the judge was a personal friend of a state judge, complainant also alleges that the order constitutes evidence that the chief judge “engaged in organized crime” through “special treatment” of, and ex parte communication with, the state judge who is allegedly aware of complainant’s innocence of certain charges.

¹ The order was issued by a three-judge panel, but complainant’s allegations are aimed only at the subject judge.

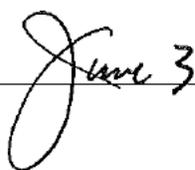
These conclusory allegations are so lacking in indicia of reliability that no further inquiry is warranted and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

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.

An order dismissing the complaint is entered simultaneously herewith.



Carl E. Stewart
Circuit Judge


_____, 2020

FILED

September 10, 2020

Lyle W. Cayce
Clerk

Before the Judicial Council of the Fifth Circuit

No. 05-20-90108

Petition for Review of [REDACTED]
of the Final Order Filed June 5, 2020,
Dismissing Judicial Misconduct Complaint Against
[REDACTED]
Under the Judicial Improvements Act of 2002.

REVISED ORDER

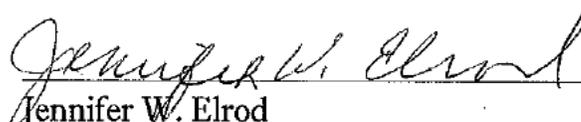
The Judicial Council order entered July 31, 2020 regarding the above-captioned petition for review is vacated and is replaced by this revised order.

An Appellate Review Panel of the Judicial Council has reviewed the above-captioned petition for review, and all members of the Panel have voted to deny the Rule 26 request to ask Chief Justice John G. Roberts, Jr. to transfer the matter to the Judicial Council of another Circuit, and have voted to affirm the order of Circuit Judge Carl E. Stewart, filed June 5, 2020, dismissing the Complaint of [REDACTED] against [REDACTED] [REDACTED] under the Judicial Improvements Act of 2002.

The Rule 26 Request is **DENIED**.

The Order is therefore **AFFIRMED**.

Aug 31, 2020
Date


Jennifer W. Elrod
United States Circuit Judge
For the Judicial Council of the Fifth Circuit