

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Docket Numbers: 05-16-90038 and 05-16-90039

U. S. COURT OF APPEALS
FILED

FEB 11 2016

FIFTH CIRCUIT
LYLE W. GAYCE, CLERK

MEMORANDUM

Complainant, a federal prisoner, has filed a judicial misconduct complaint against the subject United States District Judge and the subject United States Magistrate Judge. He complains that the magistrate judge “lied and filed falsified documents claiming that I did not file a [sic] IFP application”, “illegally created a nonsense requirement that all filed legal actions have to be on [his] *approved forms*”, “then used that as a bogus, groundless excuse to issue his one page kangaroo court rubber stamp dismissal of the Bivens action”, and “refused to give me required 14 days to file an objection.”

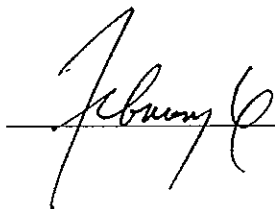
Complainant further asserts that the judge and the magistrate judge: “have a special venom for all *pro se* litigation”; “refused to recognize any of the documents I sent to the court in this case”; “totally ignored” his motion for appointment of counsel; “will not follow the law, and inject their personal beliefs into every decision”; “are mean, nasty, vicious government bureaucrats” who, “by issuing summary rubber stamp dismissal of all *pro se* litigation ... are participating in an illegal conspiracy against me and 220,000 other inmates warehoused in the hellhole federal bureau of prisons”; “violate the oath they took to uphold the U.S. Constitution and the law ... daily, grossly, and massively”; “are clearly suffering from mental disease and defect”; “demonize any and all *pro se* litigation”; and “run their nasty rubber stamp kangaroo court with a hateful, fanatical ideology.” He concludes that “[m]uch of the judicial rot, bad acts, misconduct, and shenanigans” of the judge and the magistrate judge “have their underpinnings on [sic] rabid political activism on the federal bench.”


To the extent that the allegations relate directly to the merits of the judge's and the magistrate judge's decisions, they are subject to dismissal as merits-related under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, such conclusory assertions of conspiracy, bias, and mental disease are either patently frivolous or insufficient to support a finding of judicial misconduct and are 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's second merits-related, and frivolous complaint in three weeks, and the majority of the allegations are identical to those made in his prior complaint against the subject district judge. Complainant is WARNED that should he file a further merits-related or frivolous 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.

 , 2016


Carl E. Stewart
Chief Judge

MAR 22 2016

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-16-90038 and 05-16-90039
Petition for Review by [REDACTED],
of the Final Order Filed February 11, 2016
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 Chief Judge Carl E. Stewart, filed February 11, 2016, dismissing the Complaint of [REDACTED] against [REDACTED]

[REDACTED], under the Judicial Improvements Act of 2002.

The Order is therefore

AFFIRMED.

March 17, 2016
Date

Priscilla R. Owen
Priscilla R. Owen
United States Circuit Judge
For the Judicial Council of the Fifth Circuit