

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

JUN 06 2016

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Complaint Number: 05-16-90082

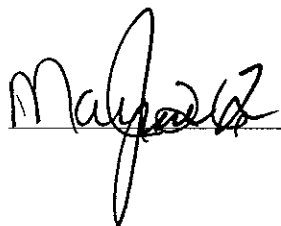
MEMORANDUM

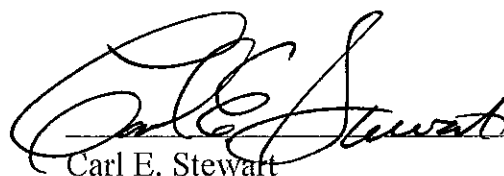
Complainant, a state prisoner, complains that the subject United States District Judge took over a month to order the respondent to answer his petition for a writ of *habeas corpus*, and improperly afforded the respondent a deadline “nearly four times the maximum amount of time set from the rules without cause.” He further protests that, despite his opposition, the judge granted the respondent’s motions for extensions of time to answer the petition. Complainant also alleges that the judge “has failed to manage [the] case” properly, “ignored” his pleadings alerting the court to police, prosecutorial, and state judicial misconduct, and denied his motions for summary judgment. In addition, he complains that the judge took five weeks to rule on his motion for sanctions.

To the extent that complainant is alleging undue delay by the judge in ordering the respondent to answer his petition and in ruling on his motion for sanctions, a delay of five weeks is not evidence of judicial misconduct, and the allegation is subject to dismissal under 28 U.S.C. § 352 (b)(1)(A)(iii). See Rule 3(h)(3)(B) of the Rules For Judicial-Conduct and Judicial-Disability Proceedings. In other respects, the allegations relate directly to the merits of the judge’s decisions, and are 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.

 , 2016



Carl E. Stewart

Chief Judge