

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED
JUL 05 2016
FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Complaint Numbers: 05-16-90096 and 05-16-90097

MEMORANDUM

Complainant, a *pro se* litigant, complains that the subject United States Magistrate Judge's *sua sponte* order to provide a more definite statement was "arrogant" and improper because the defendants did not file a motion for a more definite statement, and the order lacked the required list of "defects and details desired" and "did not cite any of your lawyer 'phony, bologna, good time plastic banana' case law ... as the basis for issuing this arbitrary, capricious, abuse of desecration [sic]." He further asserts that the "delusional" order is evidence of "a[n] incestuous relationship" between the court and the government defendants, and protests that it was "not my job ... to give them a 'Law Class' on FOIA litigation."

Complainant also states that if the subject United States District Judge and/or the magistrate judge "recognize" his Motion to Admit or Deny Existence of a particular document and "requir[e] the Defendants to respond to that motion", it will constitute "evidence [they] are NOT bias[ed]."

To the extent that the allegations relate directly to the merits of the magistrate judge's decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, such conclusory assertions of bias are insufficient to support a finding of judicial misconduct 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
Chief Judge

June 17, 2016