

JAN 04 2017

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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Complaint Numbers: 05-17-90023 and 05-17-90024

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MEMORANDUM

Complainant, a state prisoner, alleges that the subject United States Magistrate Judge and the subject United States District Judge are “intentionally, unethically, and unconstitutionally delaying” ruling on his motion to compel service of process “to give the defendants time and opportunity to formulate and implement a scheme” that would undermine his claims and further violate his rights.

A delay of eight months in ruling on a motion is not, by itself, evidence of judicial misconduct. Complainant’s conclusory assertion that the delay is deliberate is insufficient to support a finding of judicial misconduct and is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

An order dismissing the complaint is entered simultaneously herewith.



Carl E. Stewart  
Chief Judge

December 18, 2016