

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

OCT 30 2017

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Docket Numbers: 05-17-90118 through 05-17-90120

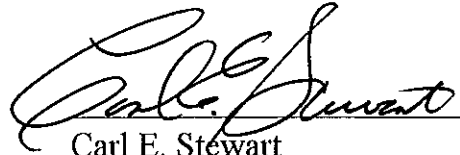
M E M O R A N D U M

Complainant, a *pro se* litigant, alleges that the district court's standing order (signed by the subject Chief United States District Judge) assigning magistrate judges to pretrial matters, and the subject United States District Judge's assignment of the subject United States Magistrate Judge to his case in particular, violates "the ancient, thus extremely well settled, Canon policy of 'one case, one judge.'" He further contends that the assignment of the magistrate judge to his case shows that all three judges are participating in the conspiracy against him that is alleged in his lawsuit (pertaining to the impoundment of his car for lack of a driver's license, license plate, and proof of insurance).

As the magistrate judge correctly noted in denying complainant's Motion to Strike Standing Order, a litigant has no right to object to the assignment of nondispositive matters to a magistrate judge under 28 U.S.C. § 636(b). See Jackson v. Cain, 864 F.2d 1235, 1247 (5th Cir. 1989). The complaint is therefore subject to dismissal as related to the merits of the magistrate judge's ruling and of the standing order, under 28 U.S.C. § 352(b)(1)(A)(ii), and as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii). His allegations that the judges are conspiring against him or otherwise denying him relief with respect to the merits of his lawsuit are also subject to dismissal as merits-related under 28 U.S.C. § 352(b)(1)(A)(ii) and as frivolous 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

October 26, 2017

U. S. COURT OF APPEALS
FILED

JAN 17 2018

FIFTH CIRCUIT
LYLE W. GAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-17-90118 through 05-17-90120
Petition for Review by [REDACTED]
of the Final Order Filed October 30, 2017
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 Stewart, filed October 30, 2017, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

AFFIRMED.

1-11-2018
Date

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