

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

OCT 30 2017

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Complaint Numbers: 05-17-90135

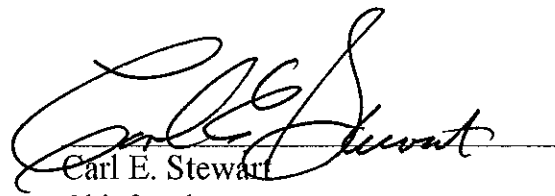
MEMORANDUM

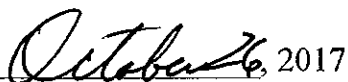
Complainant, a state prisoner, alleges that the subject United States Magistrate Judge improperly and prejudicially recommended that his Rule 60(b) motion be construed as a successive habeas petition, and falsely asserted that he was “attempting to reopen the closed case.” He further asserts that the magistrate judge instructed the Clerk to send her Report and Recommendations to a defunct address “knowing that it would cause a delay on [my] receiving it in time” to timely file objections.

To the extent that the allegations relate directly to the merits of the magistrate judge’s recommendations, 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 is 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


October 26, 2017