

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

JAN 10 2019

FIFTH CIRCUIT
LYLE W. GAYCE, CLERK

Docket Number: 05-18-90036

MEMORANDUM

Complainant, a state prisoner, alleges that the subject United States District Judge lacked jurisdiction to vacate an order granting his motion for default judgment in a 28 U.S.C. § 2254 proceeding, and did so by “plain usurpation of power” and in violation of his due process rights. He asserts further that the judge knowingly made false statements to justify vacating the default judgment, and “showed biasedness toward [me].” He also complains that the judge recently “threaten[ed]” to impose sanctions against him “for challenging The Court’s biasness and partiality.”

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.



Carl E. Stewart

Chief Judge

January 7, 2019