

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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Docket Number: 05-19-90047

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U. S. COURT OF APPEALS  
**FILED**

FEB 07 2019

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

MEMORANDUM

Complainant, an immigration detainee, has filed a judicial misconduct complaint, and a supplemental complaint, against the subject United States District Judge who, in May 2007, dismissed for lack of subject matter jurisdiction complainant's lawsuit against various elected officials and employees a city and a state in Mexico. Complainant alleges that the judge "thinks and act[s] like the USCD is [his] particular, personal and private possession," and the order is indicative of "incompetence, misconduct, neglect of duty."

Complainant further alleges that the judge should have recused sua sponte because he has "second grade blood ties with [Defendant A]" and "blood family ties with Osama Bin Laden," and because of his "possible participation as a member of al-Qaeda-Iraki [sic] terrorist groups in USA, Mexico, and other countr[ies]." He also submits that the judge's ruling was an "attempt to protect his al-Qaeda-Iraki [sic] fellows, family and members ... of their purposely [sic] wrong doings towards [me]."

In response to the Clerk's request that complainant provide evidence in support of these claims, complainant replied that he does not know where either the judge or Defendant A were born, but "they growth [sic] up around the same farms in [the same region of] Mexico]" and "people who live in [that region] all they [sic] have family blood times between them." and notes their shared family name. He elaborated further that that the judge is the "uncle or cousin" or "relation" or "friend" of numerous defendants. For example, at least four other defendants purportedly grew up on farms in the same region and attended the same secondary school "where they ganged together against the world," and three other defendants who work for the Mexican Government are the judge's "friends ... with social relations with him due to his working position in the United States of America."

Complainant also posits that the judge “is uncle or cousin of Osama Bin Laden” lived on the same farm, and attended the same secondary school which, complainant surmises, was also attended by “Omar Gadaffy [sic] ... Putin ... Donald Trump ... Angela Merquer [sic] ... and many more international politic[al] terrorists.” He submits that he has no resources to investigate the judge’s ties to al-Qaeda.

To the extent the complaint relates directly to the merits of the judge’s decision, it is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the allegations of conflicts of interest are so lacking in indicia of reliability that no further inquiry is warranted, and they are 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.



Priscilla R. Owen  
Circuit Judge

2-3-2019, 2019

U. S. COURT OF APPEALS  
**FILED**

MAR 08 2019

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL  
OF THE FIFTH CIRCUIT

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Complaint No. 05-19-90047

Petition for Review by [REDACTED]  
of the Final Order Filed February 7, 2019,  
Dismissing Judicial Misconduct Complaint Against

[REDACTED]  
Under the Judicial Improvements Act of 2002.

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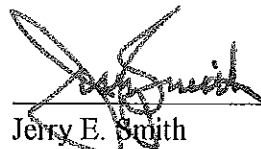
ORDER

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 Circuit Judge Priscilla R. Owen, filed February 7, 2019, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

**AFFIRMED.**

3-7-19  
Date

  
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Jerry E. Smith  
United States Circuit Judge  
For the Judicial Council of the Fifth Circuit