

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Docket Numbers: 05-19-90054 and 05-19-90055

U. S. COURT OF APPEALS

FILED

MAR 11 2019

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

MEMORANDUM

Complainant, a state prisoner, complains that the subject United States Magistrate Judge prejudicially denied his motion to appoint counsel, failed to screen his complaint under 28 U.S.C. § 1915A, and issued “clearly erroneous,” “malicious,” intentionally distorted-egregious” findings and recommendations. He further asserts that that despite claiming to have conducted a de novo review, the subject United States District Judge “willfully refused to set aside those findings” and He contends that these decisions constitute proof that the judge and the magistrate judge knowingly conspired to dismiss his action as frivolous to “justify barring me from my constitutional rights to redress of grievances, due process of law, and equal protections of the law,” and did so “to protect the defendants from liability and federal criminal prosecutions.”

To the extent that these allegations relate directly to the merits of the judge’s and the magistrate judge’s decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the assertions of conspiracy and bias in favor of the defendants appear entirely derivative of the merits-related charges, but to the extent the allegations are separate, they are wholly unsupported, and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

Complainant also complains that “the court fail[ed] to properly caption” the case “to intentionally distort and confuse [me].”


Judicial officers are not responsible for entering or amending captions, and the allegation is therefore subject to dismissal 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.

This is complainant's third merits-related judicial misconduct complaint. Complainant is WARNED that should he file a further merits-related, conclusory, frivolous, or repetitive complaint, his right to file complaints may be suspended and, unless he is able to show cause why he should not be barred from filing future complaints, the suspension will continue indefinitely. See Rule 10(a), Rules For Judicial-Conduct or Judicial-Disability Proceedings.

An order dismissing the complaint is entered simultaneously herewith.

March 5, 2019


Carl E. Stewart
Chief Judge