

JUN 27 2019

FIFTH CIRCUIT
LYLE W. GAYCE, CLERK

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Complaint Numbers: 05-19-90091 through 05-19-90093

MEMORANDUM

Complainant, a pro se litigant, has filed a judicial misconduct complaint regarding the conduct of subject United States District Judges A and B and the subject United States Magistrate Judge to whom complainant's civil lawsuit was assigned. Without providing any coherent evidence in support of his claims, complainant alleges:

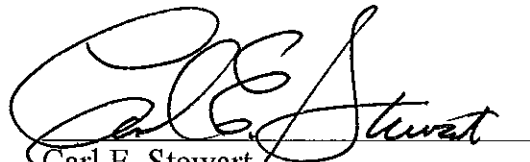
- the district judges and the magistrate judge “may have committed mislabeling a default judgment not to be paid to [me], but [sic] the Federal Research Bank.”
- “Someone filed taxes for [me] [sic] without my permission, [I] believes [sic] that these are payments on a[n] an alleged bond filed for default judgment that were transferred to the stock market.”
- “Before Judge A’s default judgment; it appears that the financial awards were dispersed under his care, however not to [me].”
- “There also seems to have been a case illegally transferred to Judge [B] which preceded [sic] Judge [A]. Again, it is believed they were not properly transferred into the court docket.”
- “The reason for filing this complaint is to furnish a violation under treason, perjury and fraud. [I am] under the impression that [two defendants] were never served. Which in law is considered an obstruction of justice.”

The first three allegations appear to be nonsensical because complainant's multiple motions for default judgment were denied, and there is nothing in the record to indicate that Judge A "dispersed financial awards." To the extent that the allegations relate directly to the merits of the district judges' 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 allegations of "treason, perjury, and fraud" 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) as "lacking sufficient evidence to raise an inference that misconduct has occurred."

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.

June 23, 2019


Carl E. Stewart
Chief Judge