

OCT 08 2019

FIFTH CIRCUIT
LYLE W. GAYCE, CLERK

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Complaint Numbers: 05-19-90131 through 05-19-90133

M E M O R A N D U M

Complainant, a state prisoner, has filed a largely unintelligible judicial misconduct complaint against the two subject United States District Judges [“Judges A and B”] and the subject United States Circuit Judge [“Judge C”].

Seemingly referring to two miscellaneous causes docketed on September 15, 2008, complainant complains that Judge A improperly docketed his “extremely mathematical filings ... designed for resurrection against [various parties].”

A review of the dockets shows that complainant captioned both filings “In the United States District Court” and included explicit instructions to “File this Complaint for Good Arrest and Criminal Prosecution” (Case 1) and “To be filed by the USDC Clerk” (Case 2). The Clerk’s docketing as miscellaneous causes complaints explicitly captioned for filing in the court does not amount to misconduct by Judge A (or by the Clerk), and the allegation is therefore subject to dismissal as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii).

Complainant further complains that Judge A “talked to me secretly” and dismissed both lawsuits.

To the extent that these allegations relate directly to the merits of Judge A’s decisions or procedural rulings, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). The conclusory assertion that the judge “talked secretly” with complainant lacks sufficient evidence to raise an inference that misconduct has occurred, and the allegation is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

Complainant appears to complain that Judge B's decisions to dismiss Case 3 as frivolous, and to deny complainant's application to proceed in forma pauperis because he had previously accrued three strikes pursuant to 28 U.S.C. §1915(g), amounted to "a death penalty sanction." In addition, complainant protests that the judge "sanctioned me \$400.00", i.e. the district court filing fee was deducted from his prisoner trust fund. He further claims that he was denied his "due process right to be present at all major disciplinary actions."

The allegations appear to relate directly to the merits of Judge B's decisions or procedural rulings and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

Complainant also alleges that Judges A and B, and C "are not competent for having the moral or mathematical expertise or ability to discern how the #9999999999 case numbers are consistent with the [state] criminal conviction mathed [sic] case numbers 9-11 (September 11 equals 99) deep state deception in nines and 11 to my [state] conviction case[s]."

To the extent that this allegation relates directly to the merits of the district judges' decisions or procedural rulings in complainant's cases, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). A review of complainant's appeal dockets shows that Judge C was not assigned to either matter, and the allegation against the circuit judge is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii) as patently frivolous.

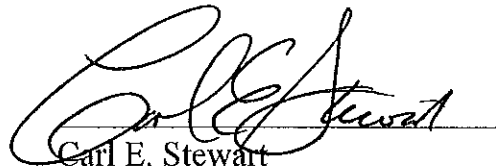
In addition, complainant makes various conclusory claims that an FBI agent and a prison officer told him unspecified judges: "where [sic] putting 9x11=9999999999 terroristic disciplinary paper terror sanctions on my court actions & would hospitalize me with a fake deceptive DEEP STATE psychiatric rape and transfer that would destroy my [prison classification]"; "a federal judge sent me for 9-11 twin tower terror"; and "[e]xtra psychiatric assault and battery with official torture and usurpation of my substantive due process because [prison officials] know renegade federal & state judges are working to usurp my every filing with official corruption."

To the extent, if any, that these conclusory assertions are aimed at the three subject judges, they are so lacking in indicia of reliability that no further inquiry is warranted and are 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.

September 30, 2019


Carl E. Stewart
Chief Judge

DEC 03 2019

FIFTH CIRCUIT
LYLE W. GAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-19-90131 through 05-19-90133
Petition for Review by [REDACTED]
of the Final Order Filed October 08, 2019,
Dismissing Judicial Misconduct Complaint
Against [REDACTED]

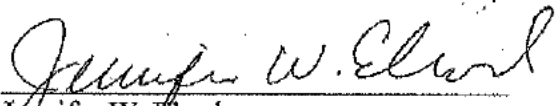
[REDACTED]
Under the Judicial Improvements Act of 2002.

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 Chief Judge Carl E. Stewart, filed October 08, 2019, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore AFFIRMED.

11/25/19
Date



Jennifer W. Elrod
United States Circuit Judge
For the Judicial Council of the Fifth Circuit