

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS

FILED

OCT 08 2019

Docket Number: 05-19-90137

FIFTH CIRCUIT
LYLE W. GARCE, CLERK

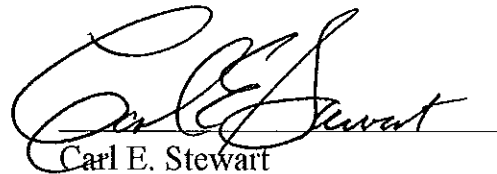
MEMORANDUM

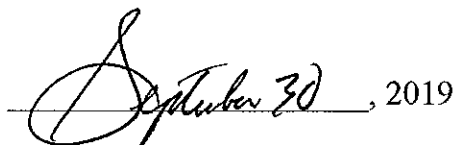
Complainant, a state prisoner, complains that the subject United States Circuit Judge ignored precedent and violated his due process rights by denying appointment of counsel, and thereby “prejudicially forced me to act pro se ... without any legal knowledge ... [and] threw me to the wolves ... to argue law against an entire staff of experienced [state government] attorneys.” Complainant further contends that the judge intentionally delayed granting leave to proceed in forma pauperis until three months after the briefs were filed “so money would not be spent on me.”

To the extent that the allegations relates directly to the merits of the judge’s decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the allegation of bias appears entirely derivative of the merits-related charges, but to the extent the allegation is separate, it is wholly unsupported, and is 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.


Carl E. Stewart
Chief Judge

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