

JAN 16 2020

FIFTH CIRCUIT
LYLE W. GAYDE, CLERK

JUDICIAL COUNCIL
FOR THE FIFTH CIRCUIT

Complaint Number: 05-20-90024

M E M O R A N D U M

Complainant, a state prisoner, complains that in dismissing two 42 U.S.C. § 1983 lawsuits without prejudice for failure to cure deficiencies in complainant's applications to proceed in forma pauperis, the subject United States District Judge subjected him to miscarriage[s] of justice, "showing bias and prejudice judgement" by "deeming [me] at fault for faults of the defendants['] co-workers in inmate accounting refusing to complete and sign a statement of account form."

To the extent that the allegations relate 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.



Priscilla R. Owen

Chief United States Circuit Judge

January 3, 2020