

U. S. COURT OF APPEALS
FILED

AUG 04 2016

**FIFTH CIRCUIT
LYLE W. CAYCE, CLERK**

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Complaint Number: 05-16-90103

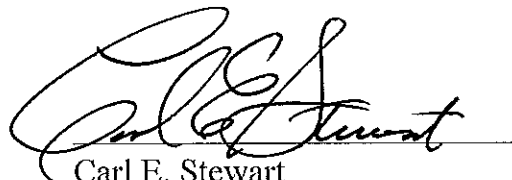
MEMORANDUM

Complainant, a federal prisoner, complains that, in recent resentencing hearings, the subject United States District Judge “continued to misapply the [sentencing] guidelines,” and violated complainant’s constitutional rights by overruling his objections to the presentence investigation report. Complainant protests that the judge “does what he wants, not what is factual, proven with evidence, and constitutional.”

The allegations relate directly to the merits of the judge’s decisions, and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(i).

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

June 14, 2016