

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS

FILED

OCT 25 2017

FIFTH CIRCUIT
LYLE W. GAYCE, CLERK

Docket Number: 05-17-90133

MEMORANDUM

Complainant, a state prisoner, complains that in the five years his prisoner civil rights lawsuit has been pending, the subject United States Magistrate Judge has failed to protect complainant's religious liberty. He further alleges that the magistrate judge: issued a "biased & prejudice[d] report and recommendations that denied all preliminary injunctions," demonstrated "degrading, inhumane, [and] deliberate indifference" by "vindictively" ignoring and "defying" Fifth Circuit precedent; failed to restore complainant's good time credits, work time credits, and "live 1 status"; and "deliberately withheld ... [my] summary judgment ruling."

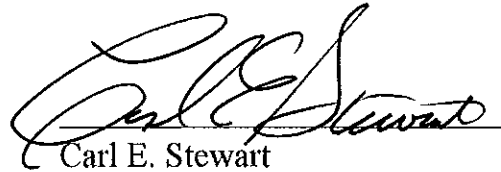
To the extent that these allegations relate directly to the merits of the magistrate judge's rulings, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, such conclusory assertions of bias are insufficient to support a finding of judicial misconduct, and are therefore also 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.

This is complainant's third merits-related complaint, and he has been warned previously against filing further merits-related or frivolous complaints. Complainant's right to file complaints is hereby SUSPENDED pursuant to Rule 10(a), Rules For Judicial-Conduct or Judicial-Disability Proceedings. Complainant may show cause,

through a petition for review submitted pursuant to Rule 18, why his right to file further complaints should not be so limited.

An order dismissing the complaint is entered simultaneously herewith.



Carl E. Stewart
Chief Judge

October 23 2017

FILED

DEC 14 2017

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-17-90133

Petition for Review by [REDACTED]
of the Final Order Filed October 25, 2017,
Dismissing Judicial Misconduct Complaint
Against [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 Stewart, filed October 25, 2017, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

AFFIRMED IN ALL RESPECTS.

December 11, 2017
Date

Priscilla R. Owen
Priscilla R. Owen
United States Circuit Judge
For the Judicial Council of the Fifth Circuit