

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

JAN 03 2018

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Docket Number: 05-18-90018

MEMORANDUM


Complainant, a state prisoner, complains of the subject United States Magistrate Judge, who has issued various pretrial orders in complainant's pro se civil rights action against prison officials. In particular, the magistrate judge has denied complainant's motions for appointment of counsel, "subject to reconsideration if the court later determines that appointment is necessary."

Complainant complains that the magistrate judge should have granted his motions for appointment of counsel, and for a "more definite statement" explaining why those motions were denied. He further complains that the magistrate judge misconstrued his motion "for leave to save all documents as evidence," incorrectly believing that complainant had asked for copies of all of his filings. Complainant states that the magistrate judge "is not showing enough leniency" in light of complainant's injuries, and requests that the magistrate judge "grant the next motion for appointment of counsel that I send in."

The allegations relate to the merits of the magistrate judge's rulings, and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(ii).

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

December 29, 2017

MAR 19 2018

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-18-90018

Petition for Review by [REDACTED]
of the Final Order Filed January 3, 2018,
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 January 3, 2018, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

AFFIRMED.

March 5, 2018
Date

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