

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED
JAN 14 2019
FIFTH CIRCUIT
LYLE W. GAYCE, CLERK

Complaint Numbers: 05-18-90056 and 05-18-90057

MEMORANDUM

Complainant, a state prisoner, alleges that the subject United States District Judge and the subject United States Magistrate Judge are “intentionally delaying” ordering service of process complainant’s prisoner civil rights action because the lawsuit “is extremely damning to the highest offices of the [state] judicial and executive branches of government Because [the judge and the magistrate judge] have long since ascertained that said suit is factually and legally on point and cannot be feasibly dismissed, they are simply delaying service, so that [I] can be “paroled” in the meantime, thus rendering [my] suit “moot.”” Despite stating that “one can only surmise the improper motive” of the judge and the magistrate judge in delaying service “under the guise of some special “screening” period,” complainant declares that the “main motive ... is because they are of the same mind and motive as the state actors named and unnamed in [my] suit, in that they do not want to see [me] and the class of offenders who could benefit from a favorable decision therein have their life sentences “mandatorily” modified ... where most of them would be subject to release without parole, creating some imagined public safety concerns, inter alia.”

Delay in judicial action is not, by itself, evidence of judicial misconduct. Complainant’s conclusory assertion that the delay is deliberate is insufficient to support a finding of judicial misconduct and is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

To the extent that complainant requests that the undersigned transfer his lawsuit “to another section with instructions to “fast-track” [the] suit from then on to make up for the improper delay, and that said judges be required to read Romans 13:1-7 in the King James version of the Bible,” such relief is not available under the judicial misconduct complaint statute. The request is DENIED.

An order dismissing the complaint is entered simultaneously herewith.

Date January 9, 2019



Carl E. Stewart
Chief Judge