

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS  
FILED

OCT 08 2019

FIFTH CIRCUIT  
LYLE W. GAYE, CLERK

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Docket Number: 05-19-90135

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MEMORANDUM

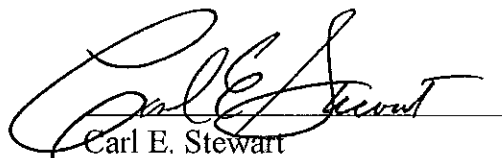
Complainant, a state prisoner, has filed a largely unintelligible judicial misconduct complaint against the subject United States District Judge who recently dismissed with prejudice complainant's prisoner civil rights action. In the four-page complaint, the only discernible allegation is complainant's statement, "I request Article II [sic] misconduct and disability of the actions of [the district judge] of a misconduct generally."

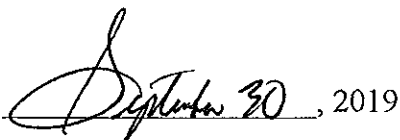
To the extent, if any, that the complaint relates directly to the merits of the judge's decisions or procedural rulings, it is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, any assertion of disability appears entirely derivative of the merits-related charge, but to the extent the allegation is separate, it is wholly unsupported, and is 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 second merits-related, and/or frivolous, and/or conclusory judicial misconduct complaint in four months regarding the same proceeding, and it is his third complaint in which allegations are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii). Complainant is WARNED that should he file a further merits-related, conclusory, or frivolous complaint, his right to file complaints may be suspended and, unless he is able to show cause why he should not be barred from filing future complaints, the suspension will continue indefinitely. See Rule 10(a), Rules For Judicial-Conduct and Judicial-Disability Proceedings.

An order dismissing the complaint is entered simultaneously herewith.

  
Carl E. Stewart  
Chief Judge

  
September 30, 2019