

FILED

January 10, 2022

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-22-90023 and 05-22-90024

MEMORANDUM

Complainant, a pro se litigant, has filed a complaint alleging misconduct by the subject United States District Judge and/or the subject United States Magistrate Judge in four civil proceedings.

Case 1

Complainant asserts that the district judge's denials of her motions for default and for default judgment and his dismissal of the lawsuit for failure to properly effect service on the defendant were "illegal."

Case 2

Complainant complains that neither the district judge nor the magistrate judge entered a ruling on her request for "service [of] a federal subpoena for evidence," and the district judge adopted the magistrate judge's recommendation to dismiss the lawsuit "after they all understood that the [State] illegally added a charge to hold me hostage in jail."

Case 3

Complainant objects that the magistrate judge erroneously recommended that her motions for default and for default judgment be denied because the defendants had not yet been properly served, and that the district judge adopted the recommendation. She further complains that the district judge adopted the magistrate judge's recommendation to grant the defendants' motion to dismiss. Complainant also appears to contend that the

district judge improperly denied her motion to disqualify him, “attempted to impose illegal sanctions,” and “is wasting court resources by having pointless hearings for himself to preside over after he is disqualified.” She submits that the district judge’s decisions constitute evidence of “intentions to commit fraud and acts of fraud.”

Case 4

Complainant alleges that the magistrate judge transferred the case “to a district that was not eligible for true convenience of the defendants. I’m the plaintiff, and we are all remote, so it is unfair to me to have to go anywhere, especially since I did not consent.”

To the extent that these allegations relate directly to the merits of decisions or procedural rulings, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, any assertions of improper motive appears entirely derivative of the merits-related charges, but to the extent the allegations are separate, they are wholly unsupported and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii) as “lacking sufficient evidence to raise an inference that misconduct has occurred.”

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.



Priscilla R. Owen
Chief United States Circuit Judge

January 5, 2022

FILED

February 23, 2022

Lyle W. Cayce
Clerk

Before the Judicial Council of the Fifth Circuit

Complaint Numbers: 05-22-90023 and 05-22-90024

Petition for Review by [REDACTED]
of the Final Order Filed January 10, 2022,
dismissing the Judicial Misconduct Complaint against

[REDACTED]

[REDACTED]

[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 Priscilla R. Owen, filed January 10, 2022, dismissing the Complaint of [REDACTED] against [REDACTED], under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

2/17/22

s/ James L. Dennis

Date

James L. Dennis
United States Circuit Judge
For the Judicial Council of the Fifth Circuit