

FILED

May 20, 2022

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-22-90052

MEMORANDUM

Complainant, a pro se litigant, has filed a complaint alleging misconduct by the subject United States Magistrate Judge in complainant's civil rights proceeding.

Complainant protests that the magistrate judge erroneously and improperly:

- “stated that [I] put in [my] notice of removal after the dismissal of the [state] case [in April 2021]. [I have been trying] to remove this case to Federal court since August of 2020”;
- recommended that because complainant, a plaintiff, lacked standing under 28 U.S.C. § 1441(a) to remove her own action to federal court, the district court lacked jurisdiction and was required to remand the case to the state court; and,
- determined that complainant was “a frequent filer of frivolous lawsuits” and recommended that she should be warned that the district court might impose sanctions if she persisted in filing frivolous or baseless cases or cases that failed to state a claim.

Complainant alleges that the magistrate judge acted improperly, “utilized no integrity, was deceptive and unethical on the case and went against normal judicial pr[a]ctice.”

To the extent that these allegations relate directly to the merits of rulings and procedural decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the allegations of impropriety appear 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.

/s/ Priscilla Richman
Priscilla Richman
Chief United States Circuit Judge

May 18, 2022