

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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Complaint Number: 05-17-90051

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MEMORANDUM

Complainant, a *pro se* litigant, has filed a convoluted judicial misconduct complaint against the subject United States District Judge. Complainant's allegations appear to be based on a fundamental misapprehension of the district clerk's transmission of her notice of appeal to the Fifth Circuit, i.e., she construes that administrative act as Judge Kinkeade's having "granted me permission to move forward with the notice of appeal." Based on this misapprehension, complainant asserts that, after reading her "Appellant's Brief" in which she pointed out "that there were several errors and disregard of documented fact and case law" in the court's dismissal of her lawsuit, the judge "decide[d] that he would like to rescind his [purported] decision" granting her permission to file a notice of appeal, and improperly denied her amended motion for an extension of time to file a notice of appeal. She further alleges that the judge intentionally delayed ruling on that motion—a delay of eighteen days—in "an attempt to avoid having [my brief] reviewed by the Fifth Circuit or to nullify any decisions rendered in my favor by [that] court."

To the extent that these allegations relate directly to the merits of the judge's decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, such frivolous and/or conclusory assertions of intentional delay and biased rulings are insufficient to support a finding of judicial misconduct and are 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.

An order dismissing the complaint is entered simultaneously herewith.



Carl E. Stewart  
Chief Judge

July 29, 2017

U. S. COURT OF APPEALS  
**FILED**

OCT 10 2017

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL  
OF THE FIFTH CIRCUIT

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No. 05-17-90051  
Petition for Review by [REDACTED]  
of the Final Order Filed August 1, 2017  
Dismissing Judicial Misconduct Complaint Against  
[REDACTED]  
Under the Judicial Improvements Act of 2002.

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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 August 1, 2017, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

**AFFIRMED.**

October 3, 2017  
Date

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