

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

OCT 17 2017

FIFTH CIRCUIT
LYLE W. GAYCE, CLERK

Docket Number: 05-17-90087

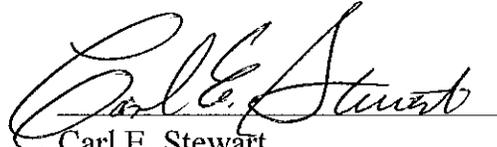
MEMORANDUM

Complainant, a *pro se* litigant, alleges that despite her filing a “perfectly articulated legal complaint meeting prima facie requirements raising issue[s] of defamation, racism, and requirements to have relief granted,” the subject United States District Judge “flat out ignored ... the torts of defamation ... [and] my complaint of racism,” and thereby denied her right of access to the courts. She further complains that the judge erroneously “refused” to seal the case, and protests that his finding that she had not raised a single argument that would entitle her to a temporary restraining order was disrespectful. Complainant also submits the judge should have recused himself *sua sponte* because “surely a fair judge with no slanted agenda would even sit on a case that so heavily involves the town of his birth and raising.” She concludes that the judge’s adverse rulings reflect “motives” aligned with “the seditious conspiracy ... [of] liberal groups and openly socialist groups ... to overthrow the [C]onstitution.”

To the extent that the allegations relate directly to the merits of the judge’s decisions, including any decision not to recuse *sua sponte*, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, such conclusory allegations of bias and conspiracy to overthrow the Constitution are insufficient to support a finding of judicial misconduct, and are therefore 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

October 11, 2017