

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS

FILED

OCT 17 2017

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

---

Docket Number: 05-17-90106

---

MEMORANDUM

Complainant, a *pro se* litigant, protests that in an order transferring her lawsuit to another federal jurisdiction, the subject United States District Judge “misstated” and, thereby “arbitrarily nullified,” her civil rights claims. Complainant further alleges that the judge “assumed derogatory facts against [me]” that were “false” and irrelevant. She submits that these statements constitute evidence that the judge intentionally “falsified the facts of [or] ...disregarded the evidence in the ... state court record, and made ultimate conclusions in favor of the defendants’ unsubstantiated assertions.”

Complainant also contends that the judge denied her motion for reconsideration “to give validity to his order that is legally void for fraud upon the court.” She concludes that the judge’s failure to hold a hearing, and his decision to transfer the case, violated her due process rights and demonstrated bias against a *pro se* litigant.

To the extent that the allegations relate directly to the merits of the judge’s decision, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, such conclusory assertions of bias are insufficient to support 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

 October 11, 2017

BEFORE THE JUDICIAL COUNCIL  
OF THE FIFTH CIRCUIT

U. S. COURT OF APPEALS

**FILED**

DEC 20 2017

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

No. 05-17-90106

Petition for Review by [REDACTED]  
of the Final Order Filed October 17, 2017,  
Dismissing Judicial Misconduct Complaint  
Against [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 Stewart, filed October 17, 2017, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

**AFFIRMED.**

Date

12-16-2017



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