

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS

FILED

OCT 30 2017

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Complaint Number: 05-17-90144

MEMORANDUM

Complainant, a bankruptcy petitioner, has filed a judicial misconduct complaint against the United States Bankruptcy Judge who is presiding over complainant's bankruptcy case and two related adversary proceedings. Complainant alleges that the judge obstructed and impeded a state court proceeding and made false and misleading statements in an order in the adversary proceedings. She further asserts that the judge's decisions in the bankruptcy case were "the result of an improper motive . . . including providing an improper advantage for a friend . . . , a bribe, ex parte contact, racial or ethnic bias, or improper conduct." Complainant provides no support for her conclusory allegations of improper motive.

To the extent that the 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, such conclusory assertions of improper motive 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

October 26, 2017

U. S. COURT OF APPEALS
FILED

JAN 17 2018

FIFTH CIRCUIT
LYLE W. GAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-17-90144

Petition for Review by [REDACTED]
of the Final Order Filed October 30, 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 30, 2017, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

AFFIRMED.

Date

1-11-2018



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