

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

OCT 15 2018

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Docket Numbers: 05-18-90120 through 05-18-90122

MEMORANDUM

Complainant, a pro se litigant, alleges that by dismissing her appeal, and doing so without requiring the appellees to file a brief, the three subject United States Circuit Judges engaged in “corruption, incompetency, neglect of court duty, maladministration and certain high crimes” and “obstruction of justice.”

To the extent that these allegations relate directly to the merits of the judges’ decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the assertions of corruption and incompetence appear entirely derivative of the merits-related charges, but to the extent these 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.”

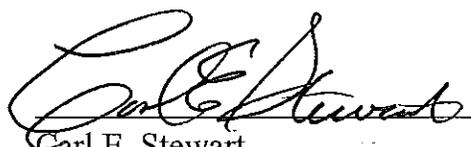
A month after the clerk filed the instant complaint, complainant submitted a request to transfer the complaint to the judicial council of another circuit “due to unlawful discrimination, fraud, and obstruction of justice from this Court.” In support of this claim, complainant recounts that she received unspecified clerk’s office correspondence and court orders that “appear to be photocopies and signature stamp [sic]” which, she contends, are official court documents that must “be sign [sic] in [sic] wet ink signature.” Complainant also lists the following alleged judicial misconduct in her “multiple appeals and transfer [sic] with the United States of Appeals [sic] Fifth Circuit since “2009”: 1. injudicious temperament; 2. conflict of interest; 3. failure to dispose promptly of the business of court [sic]; 4. default judgment; 5. civil and human rights violation[s]; 6. tam[p]ering with evidence! Tex. Penal Code § 37.09.” In addition, she notes that she did

not receive any response to a purported "Civil Rights Complaint" she claims to have mailed to this court on January 18, 2018.

The transfer of a complaint to another circuit is governed by Rule 26 of the Rules For Judicial-Conduct and Judicial-Disability Proceedings which provides that, "[i]n exceptional circumstances, the chief judge or the judicial council may ask the Chief Justice to transfer a proceeding based on a complaint identified under Rule 5 or filed under Rule 6 to the judicial council of another circuit." Complainant's request presents no "exceptional circumstances," and I decline to ask the Chief Justice to transfer the complaint to the judicial council of another circuit.

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 10, 2018

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FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-18-90120 through 05-18-90122
Petition for Review by [REDACTED],
of the Final Order Filed October 15, 2018,
Dismissing Judicial Misconduct Complaint

Against [REDACTED],
and [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 Carl E. Stewart, filed October 15, 2018, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

AFFIRMED.

1-3-2019
Date


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