

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS

FILED

MAR 11 2019

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Docket Number: 05-19-90046

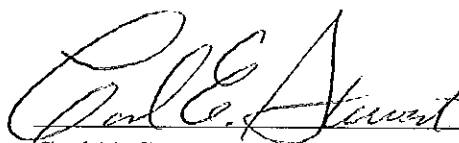
MEMORANDUM

Complainant, a pro se litigant, alleges that the subject United States District Judge: “refused to rule” on a motion for a hearing on complainant’s claims defense counsel sent her incomplete copies of defense pleadings; allowed defense counsel to violate Fed. R. Civ. P. 11; did not respond to her “letter ... outlining” the magistrate judge’s “racist manner towards me” in a prior proceeding; “never investigated” the allegations in her motion to recuse the magistrate judge and permitted him “to remain on the case”; and, claiming that she never received any defense pleading requesting dismissal of her claims “with prejudice,” complainant surmises that “*with prejudice* [is] something the judge added.”

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, any assertion of bias in favor of the defendant appears entirely derivative of the merits-related charges, but to the extent the allegation is separate, it is wholly unsupported, and is 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

March 5, 2019

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
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JUL 03 2019
FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

No. 05-19-90046
Petition for Review by [REDACTED]
of the Final Order Filed March 11, 2019,
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 Carl E. Stewart, filed March 11, 2019, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

AFFIRMED.

6-28-2019
Date


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