

JUN 27 2019

FIFTH CIRCUIT
LYLE W. GAYCE, CLERK

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Docket Numbers: 05-19-90065 and 05-19-90066

MEMORANDUM

Complainant, a pro se litigant, alleges that the subject United States District Judge and the subject former United States Magistrate Judge “refused to” issue summonses to the defendants, denied her motion for appointment of counsel, and failed to “answer my Federal Questions” in a 2014 civil proceeding. She further complains that the magistrate judge “refused to revise his Report and Recommendations ... no matter how many times I tried to clarify my actual case.” Complainant also alleges that the judge’s and the magistrate judge’s improper decisions amount to discrimination against “a female litigant. ... [They] did not have the legal right to discriminate against me even if they believed in their ignorance that my case did not have merit.” In addition, she submits that the judge and the magistrate judge “us[ed] their position[s] of power and office to prevent an American citizen from exercising a constitutional right ... of bringing a grievance to a court of law.”

As provided by 28 U.S.C. § 351(d)(1) and Rule 4 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, retired judges are not subject to the Judicial Improvements Act, and the allegations against the former magistrate judge are therefore concluded under 28 U.S.C. § 352(b)(2).

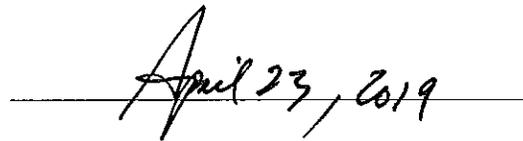
To the extent that the allegations relate directly to the merits of the judge’s decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, any assertion of gender bias appears entirely derivative of the merits-related

charge, 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


April 23, 2019