

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS  
FILED

OCT 08 2019

FIFTH CIRCUIT  
LYLE W. CAZE, CLERK

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Complaint Numbers: 05-19-90140 through 05-19-90142

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MEMORANDUM

Complainant, a pro se litigant, has filed a judicial misconduct complaint against the three subject United States Circuit Judges. She alleges that the opinion entered in Appeal A was written by law clerks, as was the order denying her petition for rehearing. Complainant further asserts that the judges failed to review the orders for “fraudulently altered or omitted ... facts, issues, causes of injury” and “errors in law.” She also contends that the judges improperly “constituted the panel for rehearing to review their own decision.”

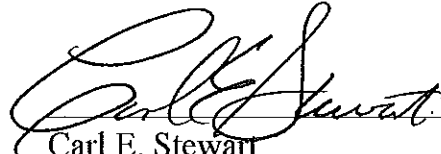
To the extent that the allegations relates directly to the merits of the judges’ decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the allegation that the judges “abused [their] judicial authority” and “delegate[d] the full power and authority of a Circuit Judge” to their law clerks appears entirely derivative of the merits-related charges, but to the extent the allegation is separate, it is wholly unsupported, and is 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.”

In addition, complainant complains that her due process rights were violated by the “illegal” assignment of Appeal B to the same judges.

The Clerk of Court is responsible for the assignment of appeals. However, to the extent, if any, that complainant is alleging the judges engineered the assignment of Appeal B to themselves, the conclusory assertion lacks sufficient evidence to raise an inference that misconduct has occurred and is therefore also 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.

September 30, 2019

  
Carl E. Stewart  
Chief Judge

DEC 03 2019

FIFTH CIRCUIT  
LYLE W. GAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL  
OF THE FIFTH CIRCUIT

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No. 05-19-90140 through 05-19-90142  
Petition for Review by [REDACTED]  
of the Final Order Filed October 08, 2019,  
Dismissing Judicial Misconduct Complaint

Against [REDACTED]

[REDACTED] Under the Judicial Improvements Act of 2002.

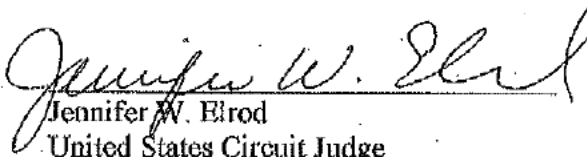
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ORDER

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 08, 2019, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore AFFIRMED.

11/25/2019  
Date

  
Jennifer W. Elrod  
United States Circuit Judge  
For the Judicial Council of the Fifth Circuit