

FILED

June 5, 2020

Lyle W. Cayce
Clerk

**JUDICIAL COUNCIL
FOR THE FIFTH CIRCUIT**

Complaint Number: 05-20-90017

M E M O R A N D U M

Complainant, a plaintiff in pending civil litigation, complains that during settlement conferences, the subject United States Magistrate Judge made patently false statements, “assigned guilt” [to him] without holding a trial, engaged in verbal abuse including threatening judicial action, and physically assaulted complainant’s attorney, which in turn caused fear she would assault complainant.

The allegations pertaining to patently false statements, assignation of “guilt” and verbal assault in the form of “threatening judicial action” relate directly to the merits of the magistrate judge’s decisions or procedural rulings and are therefore subject to dismissal under 28 U.S.C. ' 352(b)(1)(A)(ii).

As to the allegation of physical assault, a limited inquiry was conducted pursuant to Rule 11(b) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, and I find that the allegations lack sufficient evidence to raise an inference that misconduct has occurred. This allegation is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

Judicial misconduct proceedings are not a substitute for the normal process of appellate review, nor may they be used to obtain reversal of decisions or a new trial.

An order dismissing the complaint is entered simultaneously herewith.

Priscilla R. Owen

Priscilla R. Owen
Chief United States Circuit Judge

June 4, 2020

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-20-90017
Petition for Review of [REDACTED]
of the Final Order Filed June 05, 2020,
Dismissing Judicial Misconduct Complaint
[REDACTED]

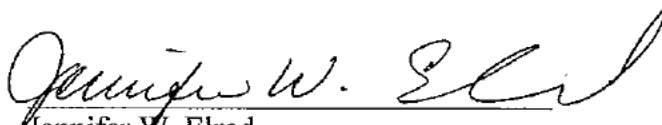
Under the Judicial Improvements Act of 2002.

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 Priscilla R. Owen, filed June 05, 2020, dismissing the Complaint of [REDACTED] against [REDACTED] [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore AFFIRMED.

July 28, 2020
Date


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