

**FILED**

July 2, 2020

Lyle W. Cayce  
Clerk

**JUDICIAL COUNCIL  
FOR THE FIFTH CIRCUIT**

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Complaint Number: 05-20-90111

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**M E M O R A N D U M**

Complainant, a pro se litigant, alleges that the subject United States District Judge:

- “made no mention of any jurisdictional issues” during a scheduling conference;
- violated complainant’s due process rights by failing to rule on her motion for summary judgment;
- violated her rights by “conspiring with” the defendant-state court judges to “unlawfully, unconstitutionally, dismiss [my] entire lawsuit” for lack of subject matter jurisdiction based on “material misrepresentations” of fact and law;
- knew that a “federal court [has] original subject-matter jurisdiction over civil rights complaints, [and] committed fraud when he represented otherwise”; and,
- committed mail fraud “by causing the mailing of [the fraudulent order]” to complainant and committed wire fraud “when he caused” the fraudulent order to be posted on the court’s electronic docket.

To the extent that these allegations relate directly to the merits of decisions or procedural rulings, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, any assertion of conspiracy 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.”

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.



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Priscilla R. Owen  
Chief United States Circuit Judge

\_\_\_\_ July 1 \_\_\_\_\_, 2020

**FILED**

September 10, 2020

Lyle W. Cayce  
Clerk

BEFORE THE JUDICIAL COUNCIL  
OF THE FIFTH CIRCUIT

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No. 05-20-90111

Petition for Review of [REDACTED]  
of the Final Order Filed July 2, 2020,  
Dismissing Judicial Misconduct Complaint

Against [REDACTED]

Under the Judicial Improvements Act of 2002.

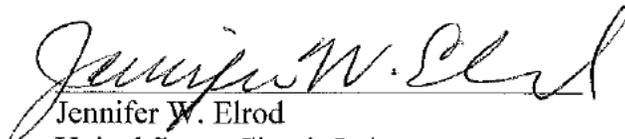
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ORDER

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 Priscilla R. Owen, filed July 2, 2020, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

August 31, 2020  
Date

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