

FILED

March 12, 2021

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-21-90081

MEMORANDUM

Complainant, a pro se litigant and former federal prisoner, has filed a complaint alleging misconduct by the subject United States District Judge in a pending civil proceeding.

Complainant complains that by denying her motion for a temporary restraining order and unduly delaying ruling on her motions for default judgment and for judgment as a matter of law, the judge “illegally deprived [me] of [my] entitlement to just compensation,” and did so in retaliation for complainant’s filing a judicial misconduct complaint against another United States District Judge in 2009.¹ She provides no evidence in support of the allegation of retaliatory motive.

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

¹ That complaint was dismissed as merits-related and frivolous under 28 U.S.C. §§ 352(b)(1)(A)(ii) and (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.



Priscilla R. Owen
Chief United States Circuit Judge

March 11, 2021

FILED

May 12, 2021

Lyle W. Cayce
Clerk

Before the Judicial Council of the Fifth Circuit

No. 05-21-90081

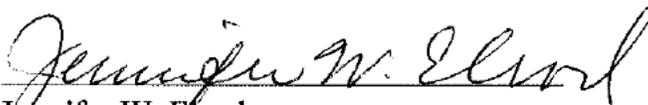
Petition for Review by [REDACTED], of the Final Order
filed March 12, 2021, dismissing the Judicial Misconduct
Complaint against [REDACTED]
[REDACTED]
Under the Judicial Improvements Act of 2002.

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 March 12, 2021, dismissing the Complaint against [REDACTED] [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

May 3, 2021
Date


Jennifer W. Elrod

United States Circuit Judge

For the Judicial Council of the Fifth Circuit