

**FILED**

May 20, 2022

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Number: 05-22-90044

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## MEMORANDUM

Complainant, a pro se litigant, alleges misconduct by the subject United States Magistrate Judge in two civil proceedings.

### *Case 1*

Complainant protests that despite clearly stating in her initial pleading that she would “not give more information until further notice of a court date due to me being Disabled,” the magistrate judge improperly ordered her to provide a more definite statement. She further alleges that after she failed to comply with the order, the magistrate judge violated her “right to prove [her] case in a recorded court room with proper investigation done” by recommending that the case should be dismissed without prejudice for want of prosecution. Complainant also appears to assert that the magistrate judge’s order instructing her to file a more definite statement constituted an impermissible “public comment on a pending court case or expected case.”

### *Case 2*

Complainant states that she “gave a brief statement” and is “due for a court date in court with transcripts. I don’t have much to say till [sic] a court date.” This statement is construed as an allegation that the magistrate judge improperly ordered complainant to provide a more definite statement and,

after she failed to comply with the order, improperly recommended that the case should be dismissed without prejudice for want of prosecution.

To the extent that the complaint relates directly to the merits of decisions or procedural rulings, it is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the assertion that the magistrate judge's order constituted impermissible public comment is entirely frivolous and 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 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

February 18, 2022