

FILED

June 9, 2022

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-22-90065

MEMORANDUM

Complainant, a pro se litigant, alleges misconduct by the subject United States District Judge in complainant's 42 U.S.C. § 1983 proceeding.

Complainant asserts that despite presenting evidence proving that the defendants engaged in "attorney misconduct, judicial misconduct, law enforcement misconduct, prosecut[orial] misconduct, [and] colluding to deprive [me] of [my] rights," the judge "prematurely dismissed the lawsuit without completing any hearing or jury trial where [I] paid the legal professional fees." She further complains that the judge's failure to grant her motions for refund of the filing fee constitutes "theft of [my] money."

Complainant concludes that the judge "is bias[ed] and discriminates against plaintiffs exercising their rights" and "collud[ed] in civil rights violations, obstruction/retaliation, not completing professional judicial service in a court of law in the United States of America, [and] dereliction of duty when [I am] entitled to post-conviction relief . . . and damages."

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 assertions of bias, discrimination, collusion, obstruction, retaliation, and dereliction of duty appear entirely derivative of the merits-related charges, but to the extent the allegations are separate, they are wholly unsupported and are 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.

/s/ Priscilla Richman
Priscilla Richman
Chief United States Circuit Judge

June 7, 2022