

**FILED**

August 23, 2023

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Numbers: 05-23-90029 and 05-23-90030

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## MEMORANDUM

Complainant, a pro se litigant, has filed a complaint alleging misconduct by the subject former United States District Judge and the subject United States Magistrate Judge in an employment discrimination lawsuit.

The district judge is retired from the bench. As provided by 28 U.S.C. § 351(d)(1) and Rule 1 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, retired judicial officers are not subject to the Judicial Improvements Act, and this aspect of the complaint may therefore be concluded under 28 U.S.C. § 352(b)(2).

Complainant alleges that because she explicitly requested a trial by jury and declined to consent to proceed before a magistrate judge, the subject magistrate judge lacked jurisdiction to conduct a settlement conference. She appears to further complain that despite filing a “record of my days that I was factually absent,” the magistrate judge prejudicially and “slander[ously]” cited the Defendant’s “libel[ous] and retaliat[ory]” claim that complainant was absent from work for “36 days in 6 months.”

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 prejudice 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.

A handwritten signature in cursive script that reads "Priscilla Richman".

Priscilla Richman

Chief United States Circuit Judge

August 16, 2023

**Before the Judicial Council  
of the Fifth Circuit**

United States Court of Appeals

Fifth Circuit

**FILED**

October 25, 2023

Lyle W. Cayce  
Clerk

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Complaint Numbers: 05-23-90029 and 05-23-90030

Petition for Review by [REDACTED] Regarding  
Complaint of Misconduct and/or Disability Against

[REDACTED]

Under the Judicial Improvements Act of 2002, 28 U.S.C. §§ 351-364.

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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 United States Circuit Judge Priscilla Richman, filed August 23, 2023, dismissing the Complaint of [REDACTED] against

[REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

*October 24, 2023*  
Date *Jennifer W. Elrod*  
Jennifer W. Elrod  
United States Circuit Judge  
For the Judicial Council of the Fifth Circuit