

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

FEB 11 2016

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Docket Number: 05-16-90035

MEMORANDUM

Complainant, a *pro se* litigant, complains that the subject United States District Judge was biased in favor of the plaintiffs, unlawfully ordered her to attend a July 2014 show cause hearing after issuing an order “admit[ting] to his court or him having [no] jurisdiction”, denied “her Constitutional Rights and legal right to utilize the laws and remedies [she is] entitled to as a U.S. citizen” by restricting how she could affect service on the plaintiffs, and “ordered me to appear for sanctions and coercion, threatening to incarcerate me.”

A review of the record shows that complainant appears to have repeatedly violated the court’s verbal and written orders that the plaintiffs should only be served at a particular address, and service should be carried out by either Federal Express or by a licensed process server, not by complainant, her family members, or their associates. Her protestation that the judge threatened to incarcerate her is, given her outright defiance of the court’s orders, entirely unpersuasive.

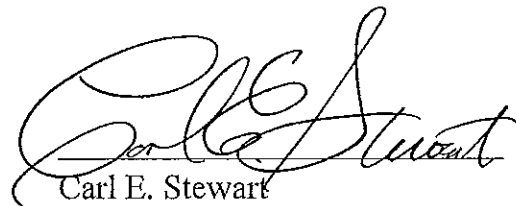
Regardless, to the extent that these allegations relate directly to the merits of the judge’s decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). To the extent that complainant appears to be alleging that the judge was biased in favor of the plaintiffs, a review of the record shows that the judge explained numerous times that complainant’s purported claims against the plaintiffs were based on fundamental misunderstandings of the law and the facts. Such explanations do not amount to judicial bias in favor of the plaintiffs, and the allegation is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

Complainant complains further that the judge “called me delusional, bully, [and] called me, my children and our associates thugs.” A review of the audio-recordings of the hearings demonstrates that the judge formed a less than favorable opinion of complainant, her family, and their associates based on their conduct during, and in between, hearings. On the whole, the judge demonstrated great restraint in dealing with a tenaciously argumentative *pro se* litigant.

The Supreme Court of the United States has held that “[t]he judge who presides at a trial may, upon completion of the evidence, be exceedingly ill disposed towards [a party] ... But the judge is not thereby recusable for bias or prejudice, since his knowledge and the opinion it produced were properly and necessarily acquired in the course of the proceedings” Liteky v. United States, 510 U.S. 540, 551 (1994).

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.

The complaint is DISMISSED.


Carl E. Stewart
Chief Judge

January 7, 2016

U. S. COURT OF APPEALS
FILED

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FIFTH CIRCUIT
LYLE W. GAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-16-90035
Petition for Review by [REDACTED]
of the Final Order Filed February 11, 2016
Dismissing Judicial Misconduct Complaint Against
[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 Stewart, filed February 11, 2016, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

AFFIRMED.

4-8-16
Date


Priscilla R. Owen
United States Circuit Judge
For the Judicial Council of the Fifth Circuit