

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

JAN 16 2019

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Docket Number: 05-18-90125

MEMORANDUM

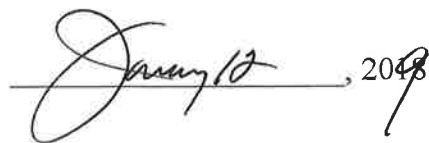
Complainant, a private citizen, states that, on behalf of certain pro se claimants “of [foreign] origin and LEP (limited English proficiency)” in a multi-district class action lawsuit, she wrote directly to the subject United States District Judge requesting an investigation into alleged fraud in the filing and processing of claims, and the “[taking] possession” of complainant’s claims preparation work. She alleges that the judge’s “refusal” to investigate her allegations constitutes evidence of “outright corruption,” “fraudulent concealment,” “active participa[tion] in the ongoing criminal conspiracy,” and “discrimination.”

To the extent that the allegations relate directly to the merits of the judge’s decision not to investigate complainant’s allegations, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the assertions of corruption, fraudulent concealment, criminal conspiracy, and discrimination appear entirely derivative of the merits-related charge, 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.


Carl E. Stewart
Chief Judge

 2019

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

MAR 15 2019

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

No. 05-18-90125

Petition for Review by [REDACTED]
of the Final Order Filed January 16, 2019,
Dismissing Judicial Misconduct Complaint
Against [REDACTED]
Under the Judicial Improvements Act of 2002.

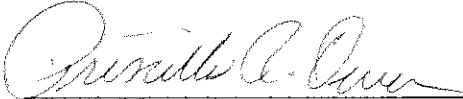
ORDER

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 Carl E. Stewart, filed January 16, 2019, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

AFFIRMED.

3-13-2019
Date


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