

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

FEB 22 2019

Docket Numbers: 05-19-90001 and 05-19-90002

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

MEMORANDUM

Complainant, a pro se litigant, complains that the subject United States Magistrate Judge “intentionally disregarded” her second motion for default judgment, motion for an expedited hearing, and four affidavits submitted in support of her claims that the defendants had failed to comply with the court’s order to compel discovery. She further complains that in denying her third motion for default judgment, the magistrate judge erroneously and prejudicially held that the motion raised the same arguments previously rejected by the court, ordered complainant to pay the defendants’ attorneys’ fees and costs for defending the motion, and “stated that [my] arguments were meritless.” Complainant alleges that the magistrate judge “deliberately violated [my] personal liberties,” “refused to provide due process and equal protection,” “is impartial [sic] towards [me],” and improperly denied complainant’s motion to recuse. In addition, she complains that the subject United States District Judge denied her motion for reconsideration and motion for leave to appeal.

Complainant submits that the magistrate judge and the judge “treated [my] case with a hostile manner,” made “demonstrably egregious decisions without following Federal Rules of Civil Procedure,” and “refused without good cause to cooperate in the decision that they set forth in the beginning of the case.”


To the extent that the allegations relate directly to the merits of the magistrate judge’s and the judge’s decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the assertions of bias and hostility appear entirely derivative of the merits-related charges, but to the extent these 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.

February 19, 2018



Carl E. Stewart
Chief Judge