

JUN 28 2019

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERKIN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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Docket Numbers: 05-19-90113 through 05-19-90115

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## M E M O R A N D U M

Complainant, a pro se litigant, has filed a judicial misconduct complaint against the subject United States District and the two subject United States Magistrate Judges. In her initial complaint, complainant specified she was complaining about the conduct of the subject judicial officers in Case 1 however, in conducting a preliminary review of the record, the Clerk noticed that certain allegations did not appear relevant to that proceeding. The Clerk asked complainant to clarify those claims. Complainant responded that her allegations against the judge and Magistrate Judge B also concern their conduct in Case 2 and Case 3, and she declined to provide further information in support of the remaining claim.

Complainant complains that despite his having served a six-month clerkship in for the defendant magistrate judge in Case 1, the judge failed to disclose the (purported) conflict of interest and failed to recuse himself sua sponte. She further asserts that Magistrate Judge A and Magistrate Judge B, who both served on ETX No. 4:16-cv-00337, were aware of the judge's conflict of interest but failed to disclose it. She also complains that despite explicitly raising the conflict of interest in recusal motions in Case 2 and/or in Case 3, Magistrate Judge B and the judge failed to recuse themselves.

Complainant also complains that Magistrate Judge B's recommendation that her claims in Case 1 should be dismissed, and the judge's adoption of the recommendation, erroneously and improperly upheld the defendant judge's and defendant magistrate judge's violations of the Federal Rules of Civil Procedure, their denials of complainant's right to due process, and their discrimination against her. In addition, she asserts that in dismissing those claims "even though [I have state court] sanctions against [me] for exercising my fair housing rights which is supposed to be an activity protected by law," the judges and Magistrate Judge B ignored "established laws."

Complainant further contends that the judge's dismissal[s] of her lawsuit[s] "forc[ed] [me] to go through the appeals process for justice," and constitute evidence of his "discrimination ... [and] retaliat[ion] [to] unethically try to save [the defendant magistrate judge] from a fall from Grace." Without providing any evidence in support of the claim, she claims that the judge "mocked my anger at [Magistrate Judge B]."


Complainant concludes that the subject judicial officers "us[ed] their position of power and office to prevent an American citizen from exercising a legal right ... used bias discrimination to retaliate against a female litigant who filed a complaint of sexual discrimination against a judge."

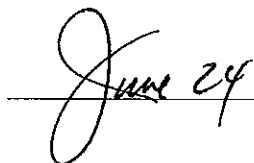
To the extent that the allegations relate directly to the merits of the judge's and the magistrate judges' implicit and explicit decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, any assertions of discrimination and retaliation appear entirely derivative 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).

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.

This is complainant's third merits-related and/or conclusory judicial misconduct complaint. Complainant is WARNED that should she file a further merits-related, conclusory, frivolous, or repetitive complaint, her right to file complaints may be suspended and, unless she is able to show cause why she should not be barred from filing future complaints, the suspension will continue indefinitely. See Rule 10(a), Rules For Judicial-Conduct and Judicial-Disability Proceedings.

An order dismissing the complaint is entered simultaneously herewith.

  
Carl E. Stewart  
Chief Judge

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