

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS  
**FILED**

**MAR 09 2016**

**FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK**

---

Docket Number: 05-16-90053

---

MEMORANDUM

Complainant, a *pro se* litigant, complains that the subject United States District Judge “made an incorrect decision and misapplied the law” in dismissing her 2008 civil proceeding. Costley raised the same merits-related allegation in a prior complaint, and it was dismissed under 28 U.S.C. § 352(b)(1)(A)(ii).

These repetitive allegations are subject to dismissal as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii).

Complainant states that the judge “have been found to be an alcohol problems” and “an disability of bipolar” which, she surmises, might have resulted in his “failing to report the true and correct medical evidence” and in his dismissal of her lawsuit.

To the extent that the allegations relate directly to the merits of the judge’s decision, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, such conclusory assertions are insufficient to support a finding of judicial misconduct and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

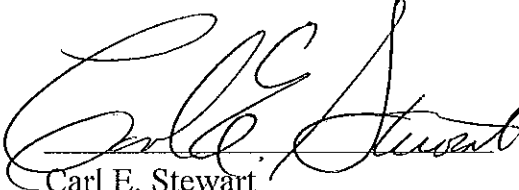
Complainant’s request to overturn the district court’s judgment is denied. The judicial misconduct complaint process cannot be used to change a decision or ruling. See Fifth Circuit Procedure 3.2, Rules For Judicial-Conduct and Judicial-Disability Proceedings.

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 complainant’s second judicial misconduct complaint about the same proceeding, and she repeats allegations previously reviewed and dismissed. This is an

abuse of the judicial misconduct complaint process. Complainant is WARNED that should she file a further merits-related, frivolous, or conclusory 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 or Judicial-Disability Proceedings.

An order dismissing the complaint is entered simultaneously herewith.



Carl E. Stewart  
Chief Judge

February 22, 2016