

FILED

January 10, 2022

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-21-90159

MEMORANDUM

Complainant, a pro se litigant, alleges that the subject United States Circuit Judge erroneously and prejudicially denied her motion to waive the requirement to file record excerpts. She further alleges that the judge's orders striking the insufficient record excerpts and denying complainant's motion to disqualify are "illegal" and "void" because they were entered after the judge was (purportedly) served with a complaint and summons associated with a 42 U.S.C. § 1983 action complainant filed against her. Complainant concludes that the two orders were entered in "retaliation" for her filing the 42 U.S.C. § 1983 lawsuit.

To the extent that these allegations relate directly to the merits of decisions or procedural rulings, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, any assertion of retaliation appears entirely derivative of the merits-related charges, but to the extent the allegation is separate, it is wholly unsupported, and is 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.



Priscilla R. Owen
Chief United States Circuit Judge

January 4, 2022