

FILED

January 9, 2024

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-23-90129

MEMORANDUM

Complainant, a pro se litigant, alleges that the subject United States District Judge has demonstrated bias in favor of “Law Enforcement” defendants in two 42 U.S.C. § 1983 proceedings, “inform[in]g them immediately if I miss[ed] deadlines and the case[s] [were] dismissed.” She further protests that Case 1 should not have been dismissed because “I showed [the judge] how I am being stalked,” and Case 2 should not have been dismissed because “[t]here is no statu[t]e of limitation on murder, and my uncle desires [sic] justice.” Complainant also appears to complain that “because court date [for a show cause hearing in Case 2] was set-up, there was no legal way to do continuation [sic].”

In addition, complainant claims that Defendant A and Defendant B in Case 1—a father and his son—are the judge’s “personal friends.” The only information she offers in support of this assertion is that she has “read all [of the judge’s] 42 U.S.C. § 1983 cases against [Defendant B] and he always sides with their [sic] criminal tactics.”

A review of PACER indicates that, apart from complainant’s own lawsuit, Defendant B is named as a defendant in only one other case assigned to the subject judge, i.e., a 2011 case that was dismissed for failure to state a

non-frivolous claim.¹ Clearly, the dismissals of two cases do not constitute sufficient evidence to conclude that Defendant A and Defendant B are the judge’s “personal friends.”

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 assertions of bias and conflict of interest 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) 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 Richman
Chief United States Circuit Judge

December 29, 2023

¹ According to PACER, the only cases in which Defendant A is named as a defendant are Case 1 and another case filed by complainant. In June 2023, the judge dismissed the latter case with prejudice as duplicative of Case 1.

**Before the Judicial Council
of the Fifth Circuit**

United States Court of Appeals
Fifth Circuit

FILED

May 3, 2024

Lyle W. Cayce
Clerk

Complaint Number: 05-23-90129

Petition for Review by [REDACTED]

Regarding Complaint of Misconduct and/or Disability Against

[REDACTED]
Under the Judicial Improvements Act of 2002, 28 U.S.C. §§ 351-364.

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 Priscilla Richman, filed January 9, 2024, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

Date

April 26, 2024 Jennifer W. Elrod

Jennifer W. Elrod

United States Circuit Judge

For the Judicial Council of the Fifth Circuit