

**FILED**

January 9, 2024

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Number: 05-24-90004

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## MEMORANDUM

Complainant, a pro se litigant, alleges misconduct by the subject United States District Judge in complainant's 42 U.S.C. § 1983 action. She complains that the judge:

- Erroneously and improperly “refused” to promptly docket her Response to Judicial Defendants’ Motion to Dismiss “supposedly because I failed to mention the names of the Judicial Defendants,” and did so because he “was obviously looking for an excuse to eliminate my evidence as he has done since the beginning in [sic] an effort to protect the Defendants.”
- “[H]as ignored all of the many clerical errors that I have religiously requested that he correct on a great number of occasions.”
- Dismissed her claims before “correcting the clerical error [sic] and not accepting my Response to Judicial Defendants’ Motion to Dismiss which is a clear violation of my 14th Amendment Rights as well as Judicial Misconduct.”
- “[B]elieves that he has immunity to break the law due to my race, gender, and litigant status.”

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 in favor of the

Defendants, or discrimination against complainant based on her race, gender, and pro se status, 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.”

Complainant complains about other anomalies in the docketing of her Response to Judicial Defendants’ Motion to Dismiss, i.e., the document “was not put on the docket for the public’s viewing let alone my own viewing,” and “what’s even more disturbing is the fact that I have to log into my [PACER] account to view my filing, [whereas] [b]oth [sic] Defendants’ Motion[s] to Dismiss was [sic] placed on the docket and viewable without having to log into their [PACER] accounts.”

Judges are not responsible for docketing documents and, to the extent that complainant appears to assert that the subject judge either ensured that her Response was publicly inaccessible on PACER, or engineered differential access to the parties in viewing documents on PACER, such conclusory assertions are also 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