

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED
OCT 17 2017
FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Docket Number: 05-17-90121

MEMORANDUM

Complainant, a *pro se* litigant, complains that the subject United States District Judge has issued various discovery rulings adverse to her, has “denied every single motion” that she filed, “has acted on personal bias and false information” from opposing counsel, and has in particular denied her repeated motions to remand the case to state court. She asserts that this shows that he has “used the prestige of judicial office to advance the private interests of her adversary, and “is obstructing a fair and impartial trial.”

These allegations relate directly to the merits of the judge’s decisions, and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

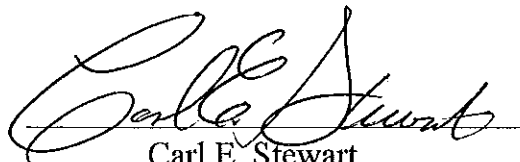
Complainant further asserts that an opposing attorney stated that she “has the power to influence [the subject judge’s] decisions” and that she “had a relationship with [the subject judge].” She further complains that at a status conference, the subject judge directed the defendant not to answer complainant’s interrogatories asking about this alleged relationship. The undersigned notes that complainant raised similar allegations in a motion to disqualify the subject judge, which was denied by a different district judge.

Complainant’s allegations of bias are frivolous and lack sufficient evidence to raise an inference of misconduct, 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.

An order dismissing the complaint is entered simultaneously herewith.

October 11, 2017


Carl E. Stewart
Chief Judge