

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

U.S. COURT OF APPEALS  
FILED

OCT 08 2019

FIFTH CIRCUIT  
LYLE W. GAYNE, CLERK

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Complaint Number: 05-19-90144

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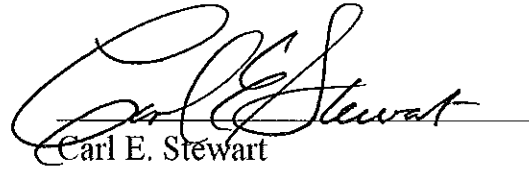
MEMORANDUM

Complainant, a federal prisoner, alleges that the subject United States District Judge “is no longer able to properly discharge the duties of his office due to a mental disability.” In support of this claim, complainant submits that her main objective in filing the lawsuit “was the recovery of” a manuscript confiscated by the defendant prison officials but the judge “misunderst[ood] the relief I requested” and “[found] my injunctive relief claims moot because I am no longer at [that prison].” A review of the memorandum opinion shows that the judge referred to the relief complainant listed on page one of her amended complaint (“for injunctive relief under 28 U.S.C. § 2284 and Fed. R. Civ. P. 65”) rather than to the relief she requested on page seven (“a preliminary and permanent injunction ordering the Defendants to return [my] writing to [me]”). Complainant further notes that a defendant was misidentified twice in the memorandum opinion (after twice being identified correctly), and she contends those two clerical errors constitute “even more disturbing” evidence of the judge’s mental disability.

To the extent that the allegations relate directly to the merits of the judge’s decisions or procedural rulings, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, neither the purported inadequate recitation of the relief complainant sought nor two clerical errors in a 12-page opinion are sufficient to support a finding of mental disability and are 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.

September 30, 2019

  
Carl E. Stewart  
Chief Judge

BEFORE THE JUDICIAL COUNCIL  
OF THE FIFTH CIRCUIT

U. S. COURT OF APPEALS  
FILED

DEC 05 2019

FIFTH CIRCUIT  
LYLE W. GAYDE, CLERK

No. 05-19-90144

Petition for Review by [REDACTED]  
of the Final Order Filed October 08, 2019,  
Dismissing Judicial Misconduct Complaint

Against [REDACTED]  
Under the Judicial Improvements Act of 2002.

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 Carl E. Stewart, filed October 08, 2019, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore AFFIRMED.

11/23/19  
Date

Jennifer W. Elrod  
Jennifer W. Elrod  
United States Circuit Judge  
For the Judicial Council of the Fifth Circuit

*originally  
dated*

*11/23/19  
revised for  
clarity*

*Jennifer W. Elrod*