

A. Fifth Circuit opinion (No. 24-11021, June 10 2025): unpublished, affirming dismissal.

- Denial of Motion for En Banc Reconsideration, (Nov. 3 2025).

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

June 10, 2025

Lyle W. Cayce  
Clerk

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No. 24-11021

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RUTH TORRES,

*Plaintiff—Appellant,*

*versus*

BONNIE LEE GOLDSTEIN, *In Official Capacity 44th District Court Judge Dallas*; RAYMOND G. WHELESS, *In Official Capacity, Presiding Judge First Administrative Judicial Region*; ROBERT D. BURNS, *In Official Capacity, Chief Justice, Fifth Court of Appeals-Dallas*; AMANDA L. REICHEK, *In Official Capacity, Chief Justice, Fifth Court of Appeals-Dallas*; KEN MOLBERG, *In Official Capacity, Chief Justice, Fifth Court of Appeals-Dallas*; DENNISE GARCIA, *In Official Capacity, Chief Justice, Fifth Court of Appeals-Dallas*; ROBBIE PARTIDA-KIPNESS, *In Official Capacity, Justice Place 2 Fifth Court of Appeals-Dallas*; HONORABLE DALE TILLERY, *In Official Capacity, 134th District Court Judge Dallas,*

*Defendants—Appellees.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:24-CV-1843

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No. 24-11021

Before SMITH, GRAVES, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:\*

Ruth Torres, proceeding *pro se*, filed a civil rights complaint against several members of the Texas judiciary seeking injunctive, declaratory, and monetary relief. Torres alleged that the defendants violated her constitutional rights by issuing improper rulings and orders in a lawsuit initiated against her in retaliation for being a whistleblower, as well as in related legal proceedings. The district court dismissed the complaint as frivolous and for failure to state a claim upon which relief may be granted. *See* 28 U.S.C. § 915(e)(2)(B). Torres moves to proceed *in forma pauperis* (“IFP”) on appeal, which constitutes a challenge to the district court’s certification that any appeal would not be taken in good faith because Torres will not present a nonfrivolous appellate issue. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

As an initial matter, Torres does not present a nonfrivolous issue for appeal regarding her contention that the district court failed to conduct *de novo* review as demonstrated by the court’s failure separately to provide findings and conclusions for overruling her objections to the magistrate judge’s report and recommendation. Rather, the record reflects that in accepting the report and recommendation, the district court conducted the requisite *de novo* review. *See* FED. R. CIV. P. 72(b)(3).

In addition, the district court’s decision to consider *sua sponte* the applicability of the judicial immunity doctrine does not present a nonfrivolous issue for appeal. *See Boyd v Biggers*, 31 F.3d 279, 284 (5th Cir. 1994). Further, Torres’s conclusory assertions, without more, that judicial immunity does not apply because the defendants’ actions were without jurisdiction

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\* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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and they were disqualified “due to ultra-vires acts/or crime-fraud exception,” does not arguably state a constitutional violation. *See Koch v. Puckett*, 907 F.2d 524, 530 (5th Cir. 1990). Rather, her allegations all stem from orders the defendants issued in litigation involving Torres. *See Davis v. Tarrant Cnty.*, 565 F.3d 214, 221-22 (5th Cir. 2009). Further, Torres does not challenge the district court’s conclusion that she could not bring a private criminal action against the defendants. Nor does she challenge the decision denying her leave to amend her complaint. Thus, these claims are deemed abandoned. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); *Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

Torres also maintains that the district court abused its discretion in denying her motion for appointment of counsel. However, Torres’s numerous filings in the district court and this court indicate that she has the ability to investigate and present arguments adequately. *See Baranowski v. Hart*, 486 F.3d 112, 126 (5th Cir. 2007). Thus, the district court did not arguably abuse its discretion in denying her motion for the appointment of counsel. *See Cupit v. Jones*, 835 F.2d 82, 86 (5th Cir. 1987); *Ulmer v. Chancellor*, 691 F.2d 209, 212-13 (5th Cir. 1982).

In her final point, Torres contends that the district court erroneously failed to rule on her motion to recuse and motion for change of venue. Although the district court did not explicitly rule on Torres’s motions to recuse and for change of venue, both of which were filed after the magistrate judge issued her report and recommendation, the district court’s denial of the motions is implicit in the court’s entry of final judgment dismissing the complaint. *See Norman v. Apache Corp*, 19 F.3d 1017, 1021 (5th Cir. 1994). Torres’s allegations of bias are based on adverse rulings and Torres’s erroneous assertion that it was improper for the magistrate judge and district judge to dismiss *sua sponte* her complaint based on judicial immunity. Accordingly,

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she has failed to show that the district court arguably abused its discretion in denying her motion to recuse. *See United States v. Scroggins*, 485 F.3d 824, 830 (5th Cir. 2007). Likewise, Torres has failed to demonstrate that the district court arguably abused its discretion in denying her motion to change venue, which was based on the purported impartiality of the judges presiding over the instant case. *See Broussard v. State Farm Fire & Cas. Co.*, 523 F.3d 618, 631 (5th Cir. 2008).

Accordingly, Torres has failed to show a nonfrivolous issue with respect to the dismissal of her complaint. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). Her motion to proceed IFP on appeal is therefore DENIED, and the appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2. Torres's motions for the appointment of counsel, recusal, and change of venue are also DENIED.

**United States Court of Appeals**

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

June 10, 2025

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

Regarding: Fifth Circuit Statement on Petitions for Rehearing  
or Rehearing En Banc

No. 24-11021 Torres v. Goldstein  
USDC No. 3:24-CV-1843

Enclosed is a copy of the court's decision. The court has entered judgment under Fed. R. App. P. 36. (However, the opinion may yet contain typographical or printing errors which are subject to correction.)

Fed. R. App. P. 39 through 41, and Fed. R. App. P. 39, 40, and 41 govern costs, rehearings, and mandates. **Fed. R. App. P. 40 require you to attach to your petition for panel rehearing or rehearing en banc an unmarked copy of the court's opinion or order.** Please read carefully the Internal Operating Procedures (IOP's) following Fed. R. App. P. 40 for a discussion of when a rehearing may be appropriate, the legal standards applied and sanctions which may be imposed if you make a nonmeritorious petition for rehearing en banc.

Direct Criminal Appeals. Fed. R. App. P. 41 provides that a motion for a stay of mandate under Fed. R. App. P. 41 will not be granted simply upon request. The petition must set forth good cause for a stay or clearly demonstrate that a substantial question will be presented to the Supreme Court. Otherwise, this court may deny the motion and issue the mandate immediately.

Pro Se Cases. If you were unsuccessful in the district court and/or on appeal, and are considering filing a petition for certiorari in the United States Supreme Court, you do not need to file a motion for stay of mandate under Fed. R. App. P. 41. The issuance of the mandate does not affect the time, or your right, to file with the Supreme Court.

Court Appointed Counsel. Court appointed counsel is responsible for filing petition(s) for rehearing(s) (panel and/or en banc) and writ(s) of certiorari to the U.S. Supreme Court, unless relieved of your obligation by court order. If it is your intention to file a motion to withdraw as counsel, you should notify your client promptly, **and advise them of the time limits for filing for rehearing and certiorari.** Additionally, you MUST confirm that this information was given to your client, within the body of your motion to withdraw as counsel.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Casey A. Sullivan, Deputy Clerk

Enclosure(s)

Ms. Ruth Torres

From: cmecf\_caseprocessing@ca5.uscourts.gov  
Subject: Re-send: 24-11021 Torres v. Goldstein "Non Dispositive Court Order denying for rehearing en banc" (3:24-CV-1843)  
Date: November 3, 2025 at 5:43:16 PM  
To: Ruth Torres t.ruth828@icloud.com

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**United States Court of Appeals for the Fifth Circuit**

**Amended 11/03/2025 16:42:59: Notice of Docket Activity**

The following transaction was entered on 11/03/2025 at 4:39:54 PM Central Standard Time and filed on 11/03/2025

**Case Name:** Torres v. Goldstein

**Case Number:** 24-11021

**Document(s):** Document(s)

**Docket Text:**

COURT ORDER denying Petition for rehearing en banc filed by Appellant Ms. Ruth Torres [50] Without Poll. Mandate issue date is 11/10/2025; [59] [24-11021] (CAS)

**Notice will be electronically mailed to:**

Ms. Karen S. Mitchell, Clerk of Court: Dallas\_Appeals@txnd.uscourts.gov

Ms. Ruth Torres: t.ruth828@icloud.com

The following document(s) are associated with this transaction:

**Document Description:** Non Dispositive Court Order

**Original Filename:** 24-11021 Order on REH.pdf

**Electronic Document Stamp:**

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**Document Description:** MOT-2 Letter

**Original Filename:** /opt/ACECF/live/forms/CaseySullivan\_2411021\_10712070\_MotionNotice-  
MOT-2\_381.pdf

**Electronic Document Stamp:**

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**Recipients:**

- Ms. Karen S. Mitchell, Clerk of Court
- Ms. Ruth Torres

United States Court of Appeals  
for the Fifth Circuit

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No. 24-11021

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United States Court of Appeals  
Fifth Circuit

**FILED**

November 3, 2025

Lyle W. Cayce  
Clerk

RUTH TORRES,

*Plaintiff—Appellant,*

*versus*

BONNIE LEE GOLDSTEIN, *In Official Capacity 44th District Court Judge Dallas*; RAYMOND G. WHELESS, *In Official Capacity, Presiding Judge First Administrative Judicial Region*; ROBERT D. BURNS, *In Official Capacity, Chief Justice, Fifth Court of Appeals-Dallas*; AMANDA L. REICHEK, *In Official Capacity, Chief Justice, Fifth Court of Appeals-Dallas*; KEN MOLBERG, *In Official Capacity, Chief Justice, Fifth Court of Appeals-Dallas*; DENNISE GARCIA, *In Official Capacity, Chief Justice, Fifth Court of Appeals-Dallas*; ROBBIE PARTIDA-KIPNESS, *In Official Capacity, Justice Place 2 Fifth Court of Appeals-Dallas*; HONORABLE DALE TILLERY, *In Official Capacity, 134th District Court Judge Dallas,*

*Defendants—Appellees.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:24-CV-1843

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ON PETITION FOR REHEARING EN BANC

Before SMITH, GRAVES, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:

No. 24-11021

Treating the petition for rehearing en banc as a petition for panel rehearing (5TH CIR. R. 40 I.O.P.), the petition for panel rehearing is DENIED. Because no member of the panel or judge in regular active service requested that the court be polled on rehearing en banc (FED. R. APP. P. 40 and 5TH CIR. R. 40), the petition for rehearing en banc is DENIED.

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\* Judges Jones and Ramirez are recused and did not participate in the consideration of rehearing en banc.

B. District Court opinion (N.D. Tex. No. 3:24-CV-1843, Oct. 17 2024): adopting the magistrate's recommendation.

- o Magistrate's Findings and Recommendation (Sept. 24 2024).

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

RUTH TORRES,	§	
PLAINTIFF,	§	
	§	
v.	§	CIVIL CASE NO. 3:24-CV-1843-B-BK
	§	
JUDGE BONNIE LEE GOLDSTEIN,	§	
ET AL.,	§	
DEFENDANTS.	§	


ORDER

Before the court is Plaintiff Ruth Torres' emergency motion to reconsider motion to seal and emergency motion to reconsider motion for appointment of counsel. Doc. 12.

Plaintiff's emergency motion to reconsider the order denying her motion to seal the motion to proceed *in forma pauperis* is **GRANTED**. The clerk of the court is **directed** to seal ECF documents Nos. 4, 8, 9, and 12.

Plaintiff's motion to reconsider the order denying the motion to appoint counsel is **DENIED** as this case is presently undergoing judicial screening. Doc. 6.

SO ORDERED on August 27, 2024.

  
JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

RUTH TORRES,

Plaintiff,

v.

JUDGE BONNIE LEE GOLDSTEIN, et al.,

Defendants.

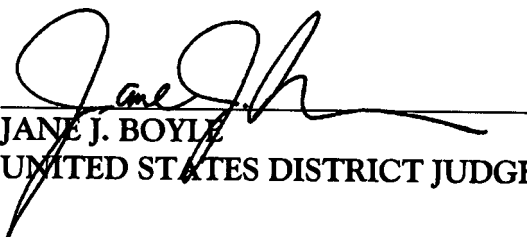
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Civil Case 3:24-cv-1843-B-BK

ORDER ACCEPTING FINDINGS AND RECOMMENDATION OF  
THE UNITED STATES MAGISTRATE JUDGE

The United States Magistrate Judge made findings, conclusions and a recommendation in this case. Plaintiff filed objections, and the District Court has made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendation for plain error. The objections are overruled, and the Court ACCEPTS the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

SO ORDERED this 17<sup>th</sup> day of October, 2024.

  
JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**RUTH TORRES,**

**PLAINTIFF,**

**v.**

**JUDGE BONNIE LEE GOLDSTEIN,  
ET AL.,**

**DEFENDANTS.**

§  
§  
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**CIVIL CASE NO. 3:24-CV-1843-B-BK**

**FINDINGS, CONCLUSIONS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636(b) and *Special Order 3*, this *pro se* civil action was referred to the United States magistrate judge for judicial screening, including the entry of findings and a recommended disposition. The Court granted Plaintiff's motion to proceed *in forma pauperis* but did not issue process pending judicial screening. Doc. 7. Upon review of the relevant pleadings and applicable law, this action should be **DISMISSED WITH PREJUDICE** as frivolous and for failure to state a claim.

**I. BACKGROUND**

On July 19, 2024, Plaintiff Ruth Torres filed a lengthy complaint (199 pages with 20 pages of exhibits) against state court judges in their official capacity: (1) Trial Judges Bonnie Lee Goldstein and Dale Tillery, (2) Administrative Judge Raymond G. Wheless, and (3) Fifth Court of Appeals Justices Robert D. Burns, Amanda L. Reicheck, Ken Molberg, Dennise Garcia, and Robbie Partida-Kipness (collectively "Defendant Judges"). Doc. 3 at 1. The complaint is rambling and largely difficult to decipher. However, what is clear is that Torres' allegations

concern the rulings Defendant Judges made in Torres' state court cases and appeals. Doc. 3 at 4, 7.

Without much substantive elaboration, Torres asserts the judges (1) violated her due process and equal protection rights, *see, e.g.*, Doc. 3 at 7, 9, 13, 15, and (2) engaged in conspiracies to violate her rights and retaliate against her in violation of criminal statutes, 18 U.S.C. §§ 241, 242, *see, e.g.*, Doc. 3 at 8; Doc. 3 at 21-28, 89, 91. She alleges:

Texas Trial Court, Texas' Fifth Court of Appeals . . . and TX Supreme Court Judges denied Plaintiff due process and equal protections enabled by the district and Plaintiff[']s clerks and court reporter who refused to release records." Doc. 3 at 7 (listing cases). As a result, Torres alleges that "dozens of illegal and improper orders remain in effect and enforceable against Plaintiff and multiple Plaintiff's pleadings remain outstanding due to the coordination of government officials, co-conspirators and their attorneys, operating under cover of law, abusing authority to further and conceal their conspiracy and retaliate against Plaintiff, blatantly and repeatedly violating Plaintiff[']s constitutional rights using state authority, state processes, state and municipal government funds and resources.

Doc. 3 at 8.

As relief, Torres requests damages and that all trial court orders entered by the "DISQUALIFIED judges" be stricken and reversed. Doc. 3 at 198-199. She also "seeks immediate relief from state issued VOID Temporary Injunction and . . . contempt orders and Permanent Injunction issued by state of Texas Judicial officers and affirmed by state appellate court officials contrary to facts and law . . . ." Doc. 3 at 4.<sup>1</sup>

## II. ANALYSIS

Because Torres is proceeding *in forma pauperis*, her complaint is subject to screening under 28 U.S.C. § 1915(e)(2)(B). This statute provides for the *sua sponte* dismissal of a

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<sup>1</sup> Torres includes with the complaint copies of trial court orders and appellate opinions and provides a CD with reporter records. Doc. 3 at 200-220; Doc. 3 at 219-20. She also filed pleadings elaborating on her cases and grievances against Defendant Judges. Doc. 14; Doc. 15.

complaint that (1) is frivolous or malicious, (2) fails to state a claim upon which relief may be granted, or (3) seeks monetary relief against a defendant who is immune from such relief. A complaint is frivolous when it “lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). A complaint lacks an arguable basis in law when it is premised “on an indisputably meritless legal theory,” *Id.* at 327, and fails to state a claim upon which relief can be granted if it does not plead “enough facts to state a claim to relief that is plausible on its face,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007).

The Court must always liberally construe pleadings filed by *pro se* litigants. See *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (noting *pro se* pleadings “must be held to less stringent standards than formal pleadings drafted by lawyers”); *cf.* Fed. R. Civ. P. 8(e) (“Pleadings must be construed so as to do justice.”). Even under the most liberal construction, however, Torres’ complaint is frivolous and fails to state a claim.

First, Torres’ complaint runs headlong into judicial immunity. Although Torres’ complaint generally lacks lucidity, as stated *supra*, she clearly asserts claims stemming from Defendant Judges’ actions taken in their official capacities. Doc. 3 at 1. Her allegations and claims against Defendant Judges stem from rulings in state cases and appeals decided by the judges in their respective judicial capacity and function. See *Stump v. Sparkman*, 435 U.S. 349, 361-62 (1978). Thus, Torres’ claims against the judges—whether for injunctive, declaratory, or monetary relief—are barred by judicial immunity. See *Mireles v. Waco*, 502 U.S. 9, 11-12 (1991); *Wightman v. Jones*, 809 F. Supp. 474, 476-79 (N.D. Tex. 1992).

Second, to the extent Torres seeks to file a criminal complaint and allege criminal law violations under 18 U.S.C. §§ 241 and 242, she lacks legal basis. Criminal statutes do not create a private right of action. For a private right of action to exist under a criminal statute, there must

be “a statutory basis for inferring that a civil cause of action of some sort lay in favor of someone.” *Cort v. Ash*, 422 U.S. 66, 79 (1975), *overruled in part by Touche Ross & Co. v. Redington*, 442 U.S. 560 (1979); *see Suter v. Artist M.*, 503 U.S. 347, 363 (1992) (concluding that the party seeking to imply a private right of action bears the burden to show that Congress intended to create one). However, Torres has pled nothing that would even come close to meeting that burden. Moreover, “decisions whether to prosecute or file criminal charges are generally within the prosecutor’s discretion, and, as a private citizen, [the plaintiff] has no standing to institute a federal criminal prosecution and no power to enforce a criminal statute.” *Gill v. Texas*, 153 F. App’x 261, 262-63 (5th Cir. 2005).

### III. LEAVE TO AMEND

Ordinarily, a *pro se* plaintiff should be granted leave to amend her complaint before dismissal, but leave is not required when she has already pled her “best case.” *Brewster v. Dretke*, 587 F.3d 764, 767-68 (5th Cir. 2009). However, for the reasons outlined here, Torres’ claims are fatally infirm. Based on the legal theories and facts Torres posits, she cannot, as a matter of law, state a plausible legal claim. Thus, the Court concludes that Torres has already pleaded her best case and granting further leave to amend would be futile and cause needless delay.

### IV. SANCTION WARNING

Contemporaneously with this action, Torres filed a second lawsuit in this Court alleging False Claims Act and RICO causes that are similarly frivolous. *See United States, ex rel. Torres v. Abbott, et al.*, No. 3:24-CV-1842-X-BK (N.D. Tex. July 19, 2024). Further, state court online records reveal that Torres is a “frequent filer” who has been permanently enjoined from engaging in, or aiding and abetting, the unauthorized practice of law. *See Torres v. Unauthorized Prac. of*

*Law Comm. for the Supreme Court of Texas*, No. 05-21-00651-CV, 2022 WL 4115487, at \*1 (Tex. App.—Dallas, Tex., Sep. 9, 2022).

Considering the foregoing, Torres should be warned that if she persists in filing frivolous or baseless lawsuits, or actions over which the Court lacks jurisdiction, the Court may impose monetary sanctions, bar her from bringing any new action, or subject her to other sanctions the Court deems appropriate. *See* Fed. R. Civ. P. 11(b)(2) and (c)(1) (providing for sanctions against *pro se* litigants or attorneys). Sanctions may be appropriate when a *pro se* litigant has a history of submitting multiple frivolous claims. *Mendoza v. Lynaugh*, 989 F.2d 191, 195-97 (5th Cir. 1993); *see also Whitehead v. Food Max of Miss., Inc.*, 332 F.3d 796, 802-03 (5th Cir. 2003) (a violation of any provision of Rule 11(b) justifies sanctions). *Pro se* litigants have “no license to harass others, clog the judicial machinery with meritless litigation, and abuse already overloaded court dockets.” *Ferguson v. MBank Houston, N.A.*, 808 F.2d 358, 359 (5th Cir. 1986). Moreover, litigants who abuse the judicial process are “not entitled to sue and appeal without paying the normal filing fees -- indeed, are not entitled to sue and appeal, period.” *Free v. United States*, 879 F.2d 1535, 1536 (7th Cir. 1989).

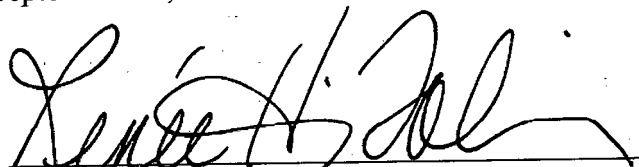
## V. CONCLUSION

For all these reasons, Torres’ action should be **DISMISSED WITH PREJUDICE** as frivolous and for failure to state a claim. *See* 28 U.S.C. § 1915(e)(2)(B).

In addition, Torres should be **WARNED** that if she persists in filing frivolous or baseless lawsuits, or actions over which the Court lacks jurisdiction, monetary sanctions may be imposed, she may be barred from bringing any new action, or she may be subject to any other sanctions

the Court deems appropriate.

**SO RECOMMENDED** on September 24, 2024.

  
RENEE HARRIS TOLIVER  
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND  
NOTICE OF RIGHT TO APPEAL/OBJECT**

A copy of this report and recommendation will be served on all parties in the manner provided by law. Any party who objects to any part of this report and recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). An objection must identify the finding or recommendation to which objection is made, the basis for the objection, and the place in the magistrate judge's report and recommendation the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996), *modified by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending the time to object to 14 days).

**Additional material  
from this filing is  
available in the  
Clerk's Office.**