United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
November 2, 2023
Lyle W. Cayce
Clerk

No. 22-11067

CASEY CAMPBELL,

Plaintiff—Appellant,

versus

MERRICK B. GARLAND, *Attorney General of the United States*; WILLIAM ONUH, *in his official capacity*; WILLIAM ONUH, *in his personal capacity*,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC Nos. 4:20-CV-638, 4:21-CV-881

Before JONES, STEWART, and DUNCAN, *Circuit Judges*.

PER CURIAM:[*]

Plaintiff-Appellant Casey Campbell appeals the district court's summary judgment in favor of Defendants-Appellees William Onuh and Merrick Garland (collectively referred to as "the Government"), dismissing his Title VII hostile work environment and related claims with prejudice.

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

Campbell also appeals the district court's denial of his motions for summary judgment as well as several other miscellaneous rulings the district court issued during the course of the litigation in the underlying proceedings. Because all of Campbell's claims lack merit, we AFFIRM.

I. FACTUAL & PROCEDURAL BACKGROUND

Campbell began working as a Baptist chaplain for the Federal Bureau of Prisons ("BOP") in 2006. He was assigned to work at the Federal Medical Center Carswell ("FMC Carswell") location in Fort Worth, Texas in 2008. William Onuh began working as a Catholic chaplain at the FMC Carswell location in 2012. Both Onuh and Campbell were supervised by Jonathan Clark, another Baptist chaplain who began working at FMC Carswell in 2015.

After Campbell and Onuh began working together in 2012, their working relationship became challenged over disagreements involving their various job duties as prison chaplains. Campbell's complaints about Onuh are extensive and numerous, but they can be distilled into general categories of basic work grievances. For example, Campbell complained that Onuh made off-color remarks during some of his homilies by referring to Protestant ministries as "only entertainment" and by calling one of Campbell's Protestant supervisors "that boy." Campbell also complained that Onuh often arrived to work late or left work early, refused to supervise or assist non-Catholic volunteers during certain activities, and failed to perform basic work-related functions such as preparing for services by providing materials and locking or unlocking doors to the buildings. According to Campbell, Onuh's failure to perform these routine tasks resulted in Campbell often having to do them instead.

This ultimately led Campbell to file an internal formal complaint with the BOP in May 2017. In his complaint, Campbell alleged that Onuh created a hostile work environment and discriminated against him on account of his

religion. Campbell's complaint was initially processed by the Complaint Adjudication Office ("CAO"), which is an office within the Civil Rights Division of the Department of Justice ("DOJ"). In May 2019, the CAO issued a decision stating that the "record support[ed] a claim of harassment based on religion." Shortly after receiving the CAO's decision, Campbell filed suit in federal district court alleging that he had been subjected to a hostile work environment due to Onuh's conduct. Then in September 2019, the CAO determined that Campbell was entitled to $15,000 in non-pecuniary damages, $1,000 in attorneys' fees, and restoration of certain leave hours.

A few months later in December 2019, although his federal lawsuit was already pending, Campbell filed a second internal complaint with the BOP advancing additional allegations against Onuh. In March 2020, the second internal complaint was dismissed due to the pendency of the federal lawsuit. Campbell then filed a second federal lawsuit in June 2020. After a somewhat involved procedural journey, the two lawsuits were ultimately consolidated, and the district court proceedings commenced in August 2021.[1]

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[1] The record reflects that, prior to the consolidation of Campbell's two lawsuits, the district court dismissed one of his civil actions without prejudice under Federal Rule of Civil Procedure 41(b) "on the ground that [Campbell's] counsel failed to retain local counsel as required by local rules." *See Campbell v. Wilkinson*, 988 F.3d 798, 799 (5th Cir. 2021). This court, however, determined that the dismissal without prejudice effectively served as a dismissal with prejudice because, if Campbell attempted to reinstate his case after his attorney complied with the rule, he would likely be time-barred. *Id.* at 801 n.1. Moreover, such a dismissal was unwarranted because the violation of the rule was caused by counsel, and not Campbell, and there were lesser sanctions available. *Id.* at 802. Accordingly, this court reversed and remanded for the district court to consider the applicability of lesser sanctions. *Id.* On remand, the district court conducted a hearing and issued the lesser sanction of $402 against Campbell's counsel and thereafter, consolidated Campbell's two civil actions and proceeded on the merits.

Campbell's first amended complaint named Garland in his official capacity as head of the DOJ and Onuh in both his personal and official capacities. Therein, Campbell alleged claims under Title VII of the Civil Rights Act of 1964, *see* 42 U.S.C. §§ 2000e *et seq*., as well as claims under the Religious Freedom Restoration Act ("RFRA"), see 42 U.S.C. §§ 2000bb *et seq*. Specifically, he asserted that "for many years Chaplain Campbell and his co-workers, who are also chaplains at FMC Carswell, have been subjected to religious discrimination and harassment in a pervasively hostile work environment at FMC Carswell that is largely due to the illegal and discriminatory behavior of one BOP employee, William Onuh, who is also a chaplain at FMC Carswell." Campbell sought damages in addition to declaratory and injunctive relief. Significantly, his complaint requested that the district court conduct a de novo review of his discrimination and harassment claims that had been previously adjudicated by the CAO.

Onuh moved to dismiss Campbell's claims against him in his personal capacity on grounds of qualified immunity and the district court granted his motion. The parties then proceeded to discovery on Campbell's official capacity claims and both Campbell and the Government moved for summary judgment. In its motion, the Government also counterclaimed to recover the $15,000 in non-pecuniary damages and $1,000 in attorneys' fees that had been previously paid to Campbell as a result of the CAO's prior administrative decision in 2019.

In September 2022, the district court granted summary judgment in favor of the Government and dismissed Campbell's hostile work environment and RFRA claims with prejudice. It also granted the Government's counterclaim and held that it was entitled to recover the $15,000 in damages and $1,000 in attorneys' fees that had been previously paid to Campbell as a result of the CAO's 2019 decision. The district court

denied Campbell's motions for summary judgment.[2] Thereafter, Campbell filed several post-judgment motions, including one for reconsideration, which the district court summarily denied as frivolous. Campbell filed this appeal.

II. STANDARD OF REVIEW

We conduct a de novo review of a district court's grant of summary judgment. *Sanders v. Christwood*, 970 F.3d 558, 561 (5th Cir. 2020). "Summary judgment is proper 'if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.'" *Id.* (citing Fed. R. Civ. P. 56(a)). A dispute regarding a material fact is "genuine" if the evidence is such that a reasonable jury could return a verdict in favor of the nonmoving party. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A plaintiff's subjective beliefs, conclusory allegations, speculation, or unsubstantiated assertions are insufficient to survive summary judgment. *See Carnaby v. City of Houston*, 636 F.3d 183, 187 (5th Cir. 2011); *Clark v. Am.'s Favorite Chicken Co.*, 110 F.3d 295, 297 (5th Cir. 1997); *see also Celotex Corp. v. Catrett*, 477 U.S. 317, 324 (1986). "The party opposing summary judgment is required to identify specific evidence in the record and to articulate the precise manner in which that evidence supports his or her claim." *Ragas v. Tenn. Gas Pipeline Co.*, 136 F.3d 455, 458 (5th Cir. 1998). "A panel may affirm summary judgment on any ground supported by the record, even if it is different from that relied on by the district court." *Reed v. Neopost USA, Inc.*, 701 F.3d 434, 438 (5th Cir. 2012) (internal quotation marks and citation omitted).

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[2] Campbell twice moved for summary judgment and the district court denied both motions at different times during the underlying litigation.

III. Discussion

On appeal, Campbell argues that the district court erred in granting summary judgment in favor of the Government on his Title VII and RFRA claims and in denying his own motions for summary judgment. He also advances a number of arguments regarding several of the district court's miscellaneous rulings that were issued during the underlying proceedings. We address each of his arguments in turn.

A. Title VII

Under Title VII, it is "an unlawful employment practice for an employer . . . to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin." 42 U.S.C. § 2000e–2(a)(1). "Title VII is the exclusive judicial remedy for claims of discrimination in federal employment." *Rowe v. Sullivan*, 967 F.2d 186, 189 (5th Cir. 1992). A plaintiff seeking relief under Title VII, however, must exhaust his administrative remedies prior to filing suit in federal court. *See Stroy v. Gibson ex rel. Dep't of Veterans Affs.*, 896 F.3d 693, 698 (5th Cir. 2018).

If a federal employee is able to successfully secure "a final administrative disposition finding discrimination and ordering relief," he may choose to "either accept the disposition and its award[] or file a civil action." *Massingill v. Nicholson*, 496 F.3d 382, 385 (5th Cir. 2007); *see also* 42 U.S.C. § 2000e-16(c). If the employee chooses to file suit, there are two types of civil actions he can file: "a suit to enforce the final administrative disposition, in which the court examines only whether the agency has complied with the disposition" or a suit requesting "*de novo* review of the disposition." *Massingill*, 496 F.3d at 384. If the employee seeks de novo review of the administrative disposition, the review is for both liability and

remedy. *Id.* at 385. "[He] may not, however, seek de novo review of just the remedial award." *Id.*

To establish a prima facie case of a hostile work environment in a Title VII suit, an employee must show that: (1) he belonged to a protected class, (2) he was subjected to harassment, (3) the harassment was based on his protected class, (4) the harassment affected a "term, condition, or privilege of employment," and (5) "the employer knew or should have known of the harassment and failed to take prompt remedial action." *Bye v. MGM Resorts Int'l, Inc.*, 49 F.4th 918, 923 (5th Cir. 2022) (internal quotation marks and citations omitted). The statute, however, is not a "general civility code" and is not intended to address "complaints attacking the ordinary tribulations of the workplace, such as the sporadic use of abusive language . . . and occasional teasing." *Id.* (citation omitted). Moreover, only harassment that is "severe or pervasive" will be considered to affect "a term, condition or privilege of employment." *Hudson v. Lincare, Inc.*, 58 F.4th 222, 229 (5th Cir. 2023). "For conduct to be sufficiently severe or pervasive, it must be both objectively and subjectively offensive." *Bye*, 49 F.4th at 924. In determining whether the work environment is "objectively offensive," a court should consider "the totality of the circumstances, including '(1) the frequency of the discriminatory conduct; (2) its severity; (3) whether it is physically threatening or humiliating, or merely an offensive utterance; and (4) whether it interferes with an employee's work performance.'" *Id.* "No single factor is determinative." *Id.*

Campbell first argues that the CAO's 2019 administrative decision that he received prior to filing suit in federal court is "evidence" that Onuh subjected him to religious discrimination. He contends that the various portions of the CAO's written decision describing Onuh's discriminatory conduct constitute conclusively binding "judicial admissions" as to liability that cannot be contradicted in his civil action. He then cites to this circuit's

standard for proving a hostile work environment claim and summarily concludes that he has met that standard. He further avers that the district court erred in refusing to consider issuing an injunction to remedy the "intentional religious discrimination" that he was subjected to in violation of Title VII. He submits that injunctive relief in this situation would be appropriate because the Government has "failed to present clear and convincing proof that there was no reasonable probability of further noncompliance with Title VII." He also argues that the district court erred by twice failing to grant his own summary judgment motions as to the Government's Title VII liability.

We disagree entirely with Campbell's arguments under Title VII. As an initial matter, he misconstrues the difference between "a suit to enforce the final administrative disposition" and a suit seeking "*de novo* review of the disposition." *Massingill*, 496 F.3d at 384; 42 U.S.C. § 2000e-16(c). His contention is also incorrect that the district court was bound by the CAO's finding of liability, *i.e.*, that the "record support[ed] a claim of harassment based on religion." He is likewise mistaken that the CAO's decision was tantamount to either a "judicial admission" or "evidence" of discrimination. The district court's de novo review of both the liability and remedy aspects of Campbell's claims was conducted at Campbell's request and in accordance with this court's long-standing applicable precedent. *Id.* Campbell's arguments to the contrary are a misinterpretation of the law of this circuit. *See Massingill*, 496 F.3d at 385.

Likewise, Campbell has altogether failed to present competent evidence in support of his Title VII hostile work environment claims. Recall that to establish a prima facie case of a hostile work environment, an employee must show that: (1) he belonged to a protected class, (2) was subjected to harassment, (3) the harassment was based on his protected class, (4) the harassment affected a "term, condition, or privilege of employment,"

and (5) "the employer knew or should have known of the harassment and failed to take prompt remedial action." *Bye*, 49 F.4th at 923. Campbell has arguably failed to meet four out of five of these elements.

Assuming that Campbell's status as a Baptist chaplain puts him in a protected class under Title VII, he has failed to show that Onuh actually "harassed" him on this record, or that he was harassed due to his status as a Baptist chaplain. As stated, the majority of Campbell's complaints, if not all, appear to be basic work grievances that do not fall within the scope of Title VII's protections. For example, Campbell's complaint that Onuh often arrived to work late or left work early does not amount to harassment and does not relate to Campbell's status as a Baptist chaplain. Onuh's failure to escort non-Catholic volunteers during certain activities does not constitute harassment and is also irrelevant to Campbell's status as a Baptist chaplain. Onuh's alleged inappropriate remarks made during certain homilies, *i.e.*, his reference to the Protestant ministries as "only entertainment" and his calling one of the Protestant supervisors "that boy," were made outside of Campbell's presence and were not directed toward Campbell specifically. Campbell's complaint that Onuh failed to lock and unlock certain doors or provide necessary materials for services misses the mark for the same reason—these alleged actions, even if true, do not amount to Title VII harassment and even if they did, they were not directed toward Campbell or related to his status as a Baptist chaplain.

Campbell has also failed to submit evidence that any of Onuh's conduct—even if it could be considered harassment based on Campbell's protected class—affected a term or condition of his employment. *See Hudson*, 58 F.4th at 229; *Bye*, 49 F.4th at 923. As this court has observed, only harassment that is "severe or pervasive" will be considered to affect "a term, condition or privilege of employment." *Hudson*, 58 F.4th at 229. For conduct to be considered "severe or pervasive," it must be both "objectively

and subjectively offensive." *Bye*, 49 F.4th at 924. To determine whether a work environment is "objectively offensive," courts consider "the totality of the circumstances, including '(1) the frequency of the discriminatory conduct; (2) its severity; (3) whether it is physically threatening or humiliating, or merely an offensive utterance; and (4) whether it interferes with an employee's work performance.'" *Id.*

But none of Onuh's above-described conduct, as alleged by Campbell, even if true, qualifies as "severe or pervasive." Campbell complains about Onuh's alleged failure to lock and unlock doors, provide necessary materials, escort volunteers, and his tendency to leave work early and arrive late because Onuh's failure to perform these tasks resulted in Campbell, at times, having to do the tasks instead. But as the district court observed, these sorts of tasks are expected to be performed by any BOP chaplain. And as this court has held, "[n]o reasonable jury could conclude that being assigned duties that were part of one's job description . . . amount[s] to a hostile work environment." *Peterson v. Linear Controls, Inc.*, 757 F. App'x 370, 375–76 (5th Cir. 2019) (citation omitted), *abrogated on other grounds by Hamilton v. Dallas*, 79 F.4th 494, 506 (5th Cir. 2023) (en banc).

Campbell's complaints about Onuh's unsavory remarks during his homilies fare no better. Not only were Onuh's alleged statements made outside of Campbell's presence, but they were not directed at Campbell or related to his status as a Baptist chaplain. Moreover, Campbell has only pointed to a few alleged statements over an extended period of time which were arguably light-hearted and mild teasing, and therefore not objectively offensive, even if subjectively offensive to Campbell. For the same reasons, Campbell cannot show that any of Onuh's alleged conduct was "frequen[t]," "severe," "physically threatening," or "humiliating." *Bye*, 49 F.4th at 924.

The record further reflects that Campbell has failed to show that Onuh's conduct interfered with his work performance. Indeed, Campbell's

job performance remained exemplary during the entire time period he alleges that he was subjected to Onuh's "harassment." As the district court noted, "Campbell's deposition testimony confirmed that he has always received positive performance reviews, has never been formally disciplined, and has consistently advanced up the company's career advancement scale with corresponding pay increases, bonuses, and awards." In short, nothing in the record indicates that Onuh's conduct was severe or pervasive, thus affecting "a term, condition or privilege of [Campbell's] employment." *Hudson*, 58 F.4th at 229.

Finally, Campbell cannot show that his "employer knew or should have known of the harassment and failed to take prompt remedial action." *Bye*, 49 F.4th at 923. The record reflects that the BOP responded to Campbell's initial complaints in multiple ways. The BOP not only minimized Campbell's contact with Onuh by assigning the two chaplains to different work schedules, but it also offered to assign them to different locations within FMC Carswell if necessary.

To conclude, "[t]he legal standard for workplace harassment in this circuit is . . . high," and Campbell has clearly failed to meet that standard here. *Gowesky v. Singing River Hosp. Sys.*, 321 F.3d 503, 509 (5th Cir. 2003). As this court has consistently held, Title VII is not a "general civility code" and is not intended to address "complaints attacking the ordinary tribulations of the workplace, such as the sporadic use of abusive language . . . and occasional teasing." *Bye*, 49 F.4th at 923 (citations omitted). Yet all of Campbell's allegations against Onuh fall squarely into these categories and thus fail to constitute actionable harassment under the statute. *Id*. In short, the district court correctly concluded that Campbell failed to demonstrate a prima facie hostile work environment claim under Title VII. *Id*. For this reason, its orders granting summary judgment in favor of the Government

and denying summary judgment to Campbell were proper and supported by the record. *See Sanders*, 970 F.3d at 561.

B. RFRA

"Congress enacted RFRA in order to provide greater protection for religious exercise than is available under the First Amendment." *United States v. Comrie*, 842 F.3d 348, 350–51 (5th Cir. 2016) (citation omitted); *see also* 42 U.S.C. § 2000bb, *et seq*. An individual "whose religious practices are burdened in violation of RFRA may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief." *Comrie*, 842 F.3d at 351. To qualify for protections under the statute, a person "must show that (1) the relevant religious exercise is grounded in a sincerely held religious belief and (2) the [G]overnment's action or policy substantially burdens that exercise by, for example, forcing the plaintiff to engage in conduct that seriously violates his or her religious beliefs." *Id.* (internal quotation marks and citation omitted). If the claimant meets this burden, the Government bears the burden of proving that "its action or policy (1) is in furtherance of a compelling governmental interest and (2) is the least restrictive means of furthering that interest." *Id.*

With respect to his claims under RFRA, Campbell first argues that because Onuh is not his employer, Title VII does not bar or preempt his claims. For this reason, he avers that the district court's dismissal of those claims should be reversed. He also claims that he is entitled to injunctive relief under the statute. Campbell contends that the district court's order granting Onuh qualified immunity and dismissing his RFRA claims was erroneous because "the right to be free from religious discrimination at work was clearly established decades ago." He then avers that even if the law is not clearly established, this is an "obvious case" of religious discrimination which overcomes Onuh's defense of qualified immunity.

Like his Title VII claims, Campbell's RFRA claim fails. As stated, to qualify for protections under the statute, a person "must show that (1) the relevant religious exercise is grounded in a sincerely held religious belief and (2) the [G]overnment's action or policy substantially burdens that exercise[.]" *Id*. Campbell has provided evidence of neither element and wholly fails to explain how his "sincerely held religious belief" has been "substantially burden[ed]" by the Government's conduct. *Id*. Instead, he argues that the district court failed to consider this court's decision in *Tagore v. United States*, 735 F.3d 324, 332 (5th Cir. 2013), *abrogated by Groff v. DeJoy*, 600 U.S. 447, 470 (2023). But the *Tagore* case does not change the analysis here. There, the panel remanded for further proceedings to determine whether the plaintiff held "a sincere religious belief" that had been substantially burdened by the Government's conduct. *Id*. In order for Campbell to advance a successful RFRA claim, he must do the same. Because he has failed to do so, his claim fails. *Id*.

Given that the district court properly dismissed Campbell's Title VII and RFRA claims, it was also warranted in denying injunctive relief.

C. Miscellaneous Arguments

Campbell's arguments regarding the district court's miscellaneous rulings that were issued during the underlying proceedings are also meritless, and border on frivolous. He argues that the district court erred in: (1) granting qualified immunity to Onuh; (2) sealing portions of the record; (3) issuing monetary sanctions to Campbell's counsel under Texas Local Rule 83.10; and (4) failing to disqualify the BOP's in-house counsel. He also asks this court to vacate Texas Local Rule 83.10. Finally, he urges this court to reassign this case to a different district judge.

a. Qualified Immunity

To establish the inapplicability of qualified immunity, Campbell is required to show that Onuh violated his clearly established statutory or constitutional rights. *See Morgan v. Swanson*, 659 F.3d 359, 371 (5th Cir. 2011) (en banc) ("The basic steps of our qualified-immunity inquiry are well-known: a plaintiff seeking to defeat qualified immunity must show: (1) that the official violated a statutory or constitutional right, and (2) that the right was clearly established at the time of the challenged conduct." (internal quotation marks and citation omitted)). However, because Campbell has failed to assert a cognizable claim under Title VII, RFRA, or any other law, he cannot overcome Onuh's defense of qualified immunity in this case. *Id.* The district court's order granting qualified immunity to Onuh was thus adequately supported by the record and the applicable caselaw. *Id.*

b. Protective and Privacy Act Order

Campbell's argument that the district court erred "by sealing records that are presumptively public" is equally meritless. The district court issued a Protective and Privacy Act Order in May 2022 and stated in pertinent part that "[a]ll materials provided by any party in discovery (including deposition testimony) that are marked or otherwise designated in writing as 'confidential' are subject to this order and may be used by the receiving party solely in connection with the litigation of this case (including any appeals), and for no other purpose." Campbell's argument on this issue is that the district court's order wrongfully denied him and the public access to the records that show the Government's misconduct in his case. Because the record and applicable caselaw establishes that the Government did not engage in misconduct in Campbell's case, his argument carries no weight. Furthermore, the Protective and Privacy Act Order was issued in compliance with the district court's authority under Rule 26(c) and 5 U.S.C. §

552a(b)(11) and Campbell has failed to explain how its issuance was an abuse of discretion. *See Binh Hoa Le v. Exeter Fin. Corp.*, 990 F.3d 410, 419 (5th Cir. 2021) (noting that this court's review of a protective order is for abuse of discretion).

c. Monetary Sanctions

Campbell also argues that the district court erred in issuing monetary sanctions to his counsel for his failure to comply with Texas Local Rule 83.10. He also asks this court to vacate the rule. His arguments are without merit. Rule 83.10 requires an out-of-district lawyer to obtain local counsel or obtain leave to proceed without local counsel when litigating in the Northern District of Texas. *See* N.D. Tex. Civ. R. 83.10. As stated, prior to consolidation of Campbell's two lawsuits, the district court dismissed one of his civil actions without prejudice under Rule 41(b) "on the ground that [Campbell's] counsel failed to retain local counsel as required by local rules." *See Campbell*, 988 F.3d at 799. But this court reversed the district court's order dismissing Campbell's suit and directed the district court to consider the imposition of lesser sanctions on remand. *Id.* at 802. In compliance with this court's directive on remand, the district court conducted a hearing and issued the lesser sanction of $402 against Campbell's counsel. Because the district court's issuance of the monetary sanction was in compliance with this court's directive on remand, Campbell cannot show that the sanction was issued in error. For the same reason, we decline his invitation to "vacate" Rule 83.10 due to its inconsistent application within the district.

d. Motion to Disqualify BOP Counsel

Campbell further argues that the district court erred in denying his motion to disqualify in-house counsel for the BOP. According to Campbell, BOP counsel should have been disqualified because he "will be a witness at trial" since some of the answers that he provided to interrogatories submitted

for the CAO's decision conflicted with Onuh's deposition testimony. As an initial matter, it is abundantly clear on this record that Campbell will not get a trial, so his argument is likely moot. Further, as the Government points out, even though he participated in a limited capacity in the underlying proceedings, counsel did not appear as an advocate before the district court, so no grounds existed to disqualify him. *See In re Guidry*, 316 S.W.3d 729, 742 n.19 (Tex. App.—Hous. [14th Dist.] 2010) ("A lawyer disqualified under the lawyer-witness rule is still free to represent the client in that case by performing out-of-court functions, such as drafting pleadings, assisting with pretrial strategy, engaging in settlement negotiations, and assisting with trial strategy."). For these reasons, Campbell's arguments on this issue are once again meritless.

e. Reassignment of the Case

Finally, we reject Campbell's argument that his case should be assigned to a different district judge. "The power to reassign is an extraordinary one and is rarely invoked." *Miller v. Sam Houston State Univ.*, 986 F.3d 880, 892 (5th Cir. 2021) (internal quotation marks and citation omitted). "[R]eassignments should be made infrequently and with great reluctance." *Id.* (citation omitted). As this court noted in *Miller*, there are two tests for determining whether to reassign a case to a different district judge. *Id.* at 892–93. Under the more stringent test, a court should consider:

> (1) whether the original judge would reasonably be expected upon remand to have substantial difficulty in putting out of his mind or her mind previously-expressed views or findings determined to be erroneous or based on evidence that must be rejected, (2) whether reassignment is advisable to preserve the appearance of justice, and (3) whether reassignment would entail waste and duplication out of proportion to any gain in preserving the appearance of fairness.

Id. (citation omitted). "The more lenient test looks at whether the judge's role might reasonably cause an objective observer to question [the judge's] impartiality." *Id.* at 893 (internal quotation marks and citation omitted).

Here, reassignment of Campbell's case is not justified by either test. As an initial matter, the district judge's summary judgment in favor of the Government, as well as his numerous other rulings, are supported by the record and the controlling caselaw in this circuit. For that reason alone, Campbell's argument that his case should be reassigned fails. Second, Campbell's conclusory allegations that the district judge "put [his] personal interests before the parties' right to a fair trial, conducted an ex parte investigation, prejudged the case based on [his] own views, and by other improper actions, denied [Campbell] an impartial tribunal" are unfounded and unsupported by the record evidence. In this case, Campbell has proven to be a vexatious litigant, consistently advancing meritless, and often frivolous, claims during the pendency of his multiple lawsuits. In spite of Campbell's efforts, the district judge has handled his case with diligence and compliance with applicable statutory law and caselaw. In short, the district judge did nothing in the proceedings below that "might reasonably cause an objective observer to question [his] impartiality." *Id.* Consequently, Campbell's argument for reassignment also fails.

IV. CONCLUSION

For the foregoing reasons, we AFFIRM the district court's rulings in all respects.