Judicial Council
for the Fifth Circuit

Statement of the Judicial Council of the Fifth Circuit
October 19, 2026

Recent public reporting has revealed the existence of two complaints against U.S. District Judge Ada E. Brown of the Northern District of Texas under the Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351–364, and the Rules for Judicial-Conduct and Judicial-Disability Proceedings ("JC&D Rules").

In the early morning of Saturday, October 17, 2026, Judge Ada Brown widely disseminated confidential materials related to these proceedings, including to members of the press, and waived confidentiality in writing.

Under JC&D Rules 23(b)(1) and (b)(8), the Judicial Council of this Circuit voted to make certain materials related to these JC&D proceedings public. In addition, in response to Judge Ada Brown's unilateral decision to disclose confidential materials to the public, Chief Judge Elrod now also agrees to waive confidentiality as to the documents attached to this Statement. *See* JC&D Rule 23(b)(7); 28 U.S.C. § 360(a)(3).

In the interest of transparency, the Council attaches the following orders related to these proceedings: (1) the Judicial Council's order issued on September 29, 2026; (2) the complaint identified by Chief Judge Elrod against Judge Ada Brown issued on October 1, 2026; (3) the order issued by Chief Judge Elrod on October 16, 2026, appointing a special committee to investigate her complaint against Judge Ada Brown; and (4) the order issued by the special committee on October 16, 2026, requiring that Judge Ada Brown appear for an investigative interview on October 30, 2026.

United States Court of Appeals
Fifth Circuit
FILED
September 29, 2026
Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

ORDER

Before ELROD, *Chief Judge*, and SMITH, HAYNES, GRAVES, HO, DUNCAN, ENGELHARDT, OLDHAM, WILSON, and RAMIREZ, *Circuit Judges*, and AFRICK, JACKSON, DOUGHTY, DEBRA BROWN, MCNEEL, O'CONNOR, CRANE, MAZZANT, and MOSES, *District Judges*.

By order dated August 11, 2026, Chief Circuit Judge Jennifer Walker Elrod appointed a special committee composed of Circuit Judge James E. Graves, Jr., Chief District Judge Alia Moses, and herself ("the Committee") to investigate and report its findings and recommendations to the Judicial Council of the Fifth Circuit ("the Council") with respect to a complaint filed against United States District Judge Ada E. Brown by [redacted] pursuant to 28 U.S.C. § 351, which raised, *inter alia*, a concern that Judge Brown suffers from a mental condition that renders her unable to discharge the duties of office. While the Committee's investigation is ongoing and its report under 28 U.S.C. § 353(c) has not yet been filed, the Committee has briefed the Council on the key developments to date.

On September 10, 2026, the Committee, pursuant to 28 U.S.C. § 353(c), ordered Judge Brown to meet with the Committee members at the federal courthouse in Dallas, Texas, on September 21, 2026, as part of its investigation of the complaint. Judge Brown was advised in advance of the meeting that: the meeting was for investigatory purposes only; no testimony would be taken; the meeting was not a hearing under Rule 14 of the Rules for Judicial Conduct and Judicial Disability Proceedings ("JC&D Rules"); and she would be given an opportunity to present oral argument to the

Committee pursuant to JC&D Rule 15(d) at a later stage of the investigation. Judge Brown was also advised that failure to attend the meeting without good cause shown could result in the Committee's expanding the scope of the complaint to include misconduct under JC&D Rule 4(a)(5) for failure to cooperate. On September 11, 2026, the Committee further ordered Judge Brown to answer in writing by September 18, 2026, and later extended to September 19, 2026, several questions the Committee determined were necessary to its investigation of the complaint, including questions related to her docket management, intent to resign, staff turnover, refusal to return to work, and numerous unsupported accusations that court staff and other judges have illicitly altered her docket and that attorneys, other judges, and court staff have engaged in racist behavior toward her.

Judge Brown failed to attend the meeting on September 21, 2026, stating she was "advised by counsel to only give testimony under oath due to the parallel investigation into these matters."[1] In response to the questions in the Committee's September 11, 2026, order, Judge Brown provided two purported examples of her "judicial peers moving cases to and from [her] docket without [her] knowledge." She refused, however, to respond to the questions regarding other concerns related to her docket and staff turnover, citing the possibility of compromising unspecified, separate "investigation[s]" and her "inability to force" Chief District Judge Reed C. O'Connor to produce evidence related to her docket.[2] Judge Brown ignored the Committee's remaining questions that did not involve concerns specifically related to her docket and staff turnover. In addition, Judge Brown ignored the Committee's request to specify the "parallel investigations" to which she referred.

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[1] To date, no attorney has appeared on behalf of Judge Brown in the JC&D complaint proceeding or in response to the Council's September 21, 2026, notice of its intent to consider issuing an order pursuant to 28 U.S.C. § 332(d).

[2] Judge Brown's access to her docket has not been restricted in any way.

Based on the Committee's investigation and observations of Judge Brown's behavior, the Committee determined that there is a reasonable basis to conclude that Judge Brown suffers from a temporary or permanent mental condition that interferes with her ability to perform the responsibilities of her office. The conduct underlying the Committee's determination included the following:

1. Failing and/or refusing to communicate with her chambers staff or otherwise manage her docket.
2. Engaging in demonstrably egregious and hostile treatment of others by making aberrant and inappropriate comments, including racial insults, toward [redacted] in a hearing conducted on [redacted]
3. Recusing from over 40 cases since June 1, 2026, at various stages of litigation, including after a bench trial and after conclusion of cases, either without explanation or for unusual reasons, e.g., concerns "about the constitutionality and ethics of these matters."
4. Making unsubstantiated claims that orders are being entered in her cases or are being altered by others without her permission and/or with criminal intent, failing to provide evidence of such claims upon request, and requesting to have those claims investigated by the Texas Rangers.
5. Repeatedly making claims without any apparent justification or evidence that judges, attorneys, and court staff are discriminating and retaliating against her because of her race and/or gender.
6. Engaging in demonstrably egregious and hostile treatment of others by making racial insults to judges and court staff.

7. Sending copious and bizarre emails to court staff and judges, including emails in the middle of the night, and copying and/or blind copying others who have no reason to be copied on such emails.

8. Announcing her intent to resign and rescinding the same at least twice since June 30, 2026.

9. Refusing to return to work to "protest" the alleged failure of the Clerk's Office to enter a letter of recusal on the docket of an MDL case that is no longer assigned to her.

10. Refusing to meet with Chief Judge Elrod and Chief Judge O'Connor to discuss these issues and her docket.

On September 21, 2026, the Committee ordered Judge Brown to submit to an independent psychiatric examination within 30 days. Judge Brown was directed to notify the Committee within seven days whether she would comply with the order and make herself available for the examination. Judge Brown failed to respond within seven days, but the 30-day window for her to undergo an examination has not yet expired.

Independently of its concerns that Judge Brown is unable to discharge the duties of office due to mental condition, the Committee has expressed concerns about the significant backlog of matters to be addressed in her cases. During the course of its investigation, the Committee discovered that Judge Brown abandoned her post as a federal judge. Judge Brown then ignored the Committee's inquiry regarding the date on which she plans to return. In addition, the Committee learned that for several years Judge Brown habitually and unduly delayed ruling on motions and routinely closed cases with pending motions so that such cases did not appear on her Civil Justice Reform Act list. This dereliction has led to a significant backlog of undecided motions (78 based on a recent report), matters awaiting hearings and trials, and other matters that require immediate judicial action.

On September 21, 2026, the Committee notified Judge Brown that at the Council's September 28, 2026, meeting, the Council would consider, at the Committee's recommendation, issuing an order temporarily reassigning her current cases and excluding her from the rotation of new case assignments for a period of three months or until further order of the Council, whichever comes first, as "necessary and appropriate . . . for the effective and expeditious administration of justice within [the] circuit." *See* 28 U.S.C. § 332(d). The notice included the factual basis for the Committee's recommendation and gave Judge Brown an opportunity to show cause in writing by September 24, 2026, why the Council should not take such action. Judge Brown did not file a response.

In support of its recommendation to the Council, the Committee produced, *inter alia*, over 140 emails between Judge Brown and others and Judge Brown's September 2026 Civil Justice Reform Act list. After carefully considering this matter, the Council finds that the evidence supports the Committee's concerns regarding the significant backlog of outstanding judicial actions required in Judge Brown's cases, her abandonment of her docket, and/or her conduct indicating that she is unable and/or unwilling to discharge the duties of office.

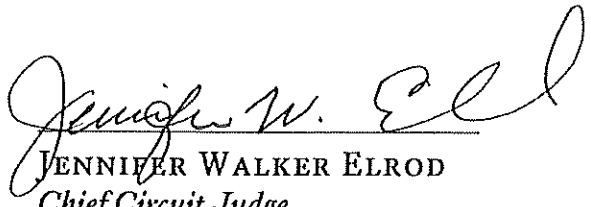
Pursuant to 28 U.S.C. § 332(d), IT IS ORDERED that, for a period of three months or until further order of the Council (whichever comes first), Judge Ada E. Brown's current cases be temporarily reassigned and that she be excluded from the rotation of new case assignments. The Council finds this action is "necessary and appropriate . . . for the effective and expeditious administration of justice within [the] circuit." *See* 28 U.S.C. § 332(d).[3]

This action is independent of any action the Council may take as a result of the ongoing complaint process under 28 U.S.C. §§ 351–364. The

[3] Judge Haynes abstained from voting on the Committee's recommendation. Chief Judge Debra Brown voted against adopting the Committee's recommendation based on procedural grounds.

Council will consider the complaint matter once it has received the Committee's report under 28 U.S.C. § 353(c).

For the Council:



JENNIFER WALKER ELROD
Chief Circuit Judge

United States Court of Appeals
Fifth Circuit
FILED
October 1, 2026
Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90196

IN RE COMPLAINT IDENTIFIED BY CHIEF CIRCUIT JUDGE JENNIFER WALKER ELROD AGAINST UNITED STATES DISTRICT JUDGE ADA E. BROWN, NORTHERN DISTRICT OF TEXAS, UNDER THE JUDICIAL IMPROVEMENTS ACT OF 2002.

ORDER

Pursuant to 28 U.S.C. § 351(b) and Rule 5 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings ("JC&D Rules"), I identify a complaint against United States District Judge Ada E. Brown of the Northern District of Texas.

I.

On May 14, 2026, an individual filed a complaint against Judge Brown pursuant to 28 U.S.C. § 351(a), alleging, among other things, that Judge Brown made inappropriate and hostile comments toward the individual during a hearing and that Judge Brown may be suffering from a mental condition that renders her unable to discharge the duties of her office.

On May 28, 2026, I invited Judge Brown to respond to the allegations in writing by July 3, 2026. On June 29, 2026, Judge Brown requested an extension of time to file her response, and I extended the deadline through July 17, 2026. On June 30, 2026, Judge Brown informed me of her intent to resign her position and advised that there was "no longer any need" to file a

response to the complaint. I immediately requested that Judge Brown speak with me, but she declined my request.

On July 19, 2026, Judge Brown requested that she be given the opportunity to file a response to the complaint by July 20, 2026, giving me the impression that she no longer intended to pursue resignation. In response, I extended the deadline to respond to July 22, 2026. On July 22, 2026, Judge Brown requested another extension of time to file a response. I extended the deadline through July 27, 2026, and noted that no further extensions would be granted. Judge Brown submitted a "draft response" to the complaint on July 27, 2026. She then submitted a "corrected response" on July 29, 2026.

After reviewing Judge Brown's written responses, I appointed, pursuant to 28 U.S.C. § 353(a), a special committee composed of Circuit Judge James E. Graves, Jr., Chief District Judge Alia Moses, and myself ("the Committee") to investigate the facts and allegations in the complaint and report its findings and recommendations to the Judicial Council of the Fifth Circuit ("the Council").

On August 24, 2026, Judge Brown again advised me of her intent to resign effective October 1, 2026. I again requested to discuss her decision, but she declined. On September 1, 2026, Judge Brown rescinded her intent to resign and requested to meet with me and Chief District Judge Reed C. O'Connor of the Northern District of Texas to discuss the matter. We then scheduled a meeting to be held on September 9, 2026, at the federal courthouse in Dallas, Texas.

Judge Brown initially agreed to attend the meeting but informed me on September 8, 2026, that she would not attend because Chief Judge O'Connor had allegedly refused her request to order the Clerk's Office to docket a recusal letter in a multidistrict litigation case that had already been reassigned to another judge by the United States Panel on Multidistrict Litigation due to Judge Brown's recusal.

On September 10, 2026, the Committee, pursuant to 28 U.S.C. § 353(c), ordered Judge Brown to meet with the Committee members on September 21, 2026, at the federal courthouse in Dallas, Texas, as part of its investigation of the complaint. Judge Brown was advised in advance of the meeting that: the meeting was for investigatory purposes only; no testimony would be taken; the meeting was not a hearing under JC&D Rule 14; and she would be given an opportunity to present oral argument to the Committee pursuant to JC&D Rule 15(d) at a later stage of the investigation.

On September 11, 2026, the Committee further ordered Judge Brown to answer in writing by September 18, 2026, later extended to September 19, 2026, several questions the Committee determined were necessary to its investigation of the complaint, including questions related to Judge Brown's docket management, intent to resign, staff turnover, and refusal to return to work. In addition, the order directed Judge Brown to provide specific evidentiary support for the numerous unsubstantiated allegations she made accusing other judges and court staff of altering her docket and accusing other judges, attorneys, and court staff of engaging in racist and bullying behavior toward her. Several of her accusatory e-mails contained offensive and abusive language.

Judge Brown was advised that failure to comply with either order without good cause shown could result in the Committee expanding the scope of the complaint to include misconduct for failure to cooperate under JC&D Rule 4(a)(5).

Judge Brown failed to attend the meeting on September 21, 2026, stating she was "advised by counsel to only give testimony under oath due to the parallel investigation into these matters."[1] In response to the questions in the Committee's September 11, 2026, order, Judge Brown provided two

[1] To date, no attorney has appeared on behalf of Judge Brown in the ongoing JC&D complaint proceeding or in response to the Council's September 21, 2026, notice of its intent to consider issuing an order pursuant to 28 U.S.C. § 332(d), which is discussed below.

purported examples of her "judicial peers moving cases to and from [her] docket without [her] knowledge." She refused, however, to respond to the questions regarding other concerns related to her docket and staff turnover, citing the possibility of compromising unspecified, separate "investigation[s]" and her "inability to force" Chief Judge O'Connor to produce evidence related to her docket, even though her docket access was not restricted. Judge Brown ignored the Committee's remaining questions that did not involve concerns specifically related to her docket and staff turnover. In addition, Judge Brown ignored the Committee's request to specify the "parallel investigations" to which she referred.

Based on the Committee's investigation and observations of Judge Brown's behavior, the Committee determined that there is a reasonable basis to conclude that Judge Brown suffers from a mental condition that currently interferes with her ability to perform the responsibilities of her office. On September 21, 2026, the Committee ordered Judge Brown to submit to an independent psychiatric examination within 30 days. Judge Brown was directed to notify the Committee within seven days whether she would comply with the order and make herself available for the examination. Judge Brown was again advised that failure to comply with the order without good cause shown could result in the Committee expanding the scope of the complaint to include misconduct for failure to cooperate under JC&D Rule 4(a)(5). Judge Brown nonetheless failed to respond within seven days.

During the course of the Committee's investigation, Judge Brown also abandoned her post as a federal judge in "protest" of the alleged failure of the Clerk's Office to enter the recusal letter on the docket of the case that is no longer assigned to her. She instructed her staff to "stop work on anything you are doing for me." Other than recusal notices and three arrest warrants, Judge Brown has issued no orders since August 10, 2026. She ignored the Committee's inquiry regarding the date on which she plans to return to work and what authority permits her to refuse to return to work.

In addition, the Committee during its investigation learned that for several years Judge Brown habitually and unduly delayed ruling on motions and routinely closed cases with pending motions so that such cases did not appear on her Civil Justice Reform Act list. This dereliction has led to a significant backlog of undecided motions, matters awaiting hearings and trials, and other matters that require immediate judicial action.

On September 21, 2026, the Committee notified Judge Brown that at the Council's meeting on September 28, 2026, the Council would consider, at the Committee's recommendation, issuing an order that, for a period of three months or until further order of the Council (whichever comes first), temporarily reassigns her current cases and excludes her from the rotation of new case assignments, as "necessary and appropriate . . . for the effective and expeditious administration of justice within [the] circuit." *See* 28 U.S.C. § 332(d). The notice included the factual basis for the Committee's recommendation and gave Judge Brown an opportunity to state in writing by September 24, 2026, why the Council should not take such action. Judge Brown failed to file a response.

On September 29, 2026, the Council adopted the Committee's recommendation. The Council found that the evidence supported the Committee's concerns regarding the significant backlog of outstanding judicial actions required in Judge Brown's cases, her abandonment of her docket, and/or her conduct indicating that she is unable and/or unwilling to discharge the duties of office. The Council ordered that, for a period of three months or until further order of the Council (whichever comes first), Judge Brown's current cases be temporarily reassigned and that she be excluded from the rotation of new case assignments.

II.

If, during the course of its investigation, a special committee has cause to believe that the subject judge may have engaged in misconduct or has a disability beyond the specific pending complaint, it must refer the new matter

to the chief judge for a determination of whether action should be taken under JC&D Rules 5 and 11. JC&D Rule 13(a).

Based on the information referred to me by the Committee and described above, I find probable cause to believe Judge Brown has engaged in misconduct that is beyond the specific pending complaint. Specifically, I find that there is probable cause to believe Judge Brown has: treated other judges and judicial employees in a demonstrably egregious and hostile manner in violation of JC&D Rule 4(a)(2)(B); created a hostile work environment for judicial employees in violation of JC&D Rule 4(a)(2)(C); refused, without good cause shown, to cooperate in the investigation of the pending complaint in violation of JC&D Rule 4(a)(5); habitually delayed rendering decisions in a significant number of cases in violation of JC&D Rule 4(b)(2); and abandoned her docket in violation of JC&D Rule 4(a). Informal resolution is not feasible at this time.

Pursuant to 28 U.S.C. § 351(b) and JC&D Rule 5, I hereby identify a complaint against United States District Judge Ada E. Brown and will begin the review process provided in JC&D Rule 11. The court is dedicated to ensuring a fair and impartial proceeding. The identification of this complaint does not reflect an opinion on the underlying merits of the allegations contained herein. Judge Brown will be afforded due process under the governing rules, including an opportunity to respond to the claims and present a defense.

Pursuant to JC&D Rule 11(b), Judge Brown is invited to respond in writing to this complaint within 14 days.

JENNIFER WALKER ELROD
Chief Judge

United States Court of Appeals
Fifth Circuit
FILED
October 16, 2026
Thomas B. Plunkett, III
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90196

IN RE COMPLAINT OF
CHIEF UNITED STATES CIRCUIT JUDGE JENNIFER WALKER ELROD
AGAINST UNITED STATES DISTRICT JUDGE ADA E. BROWN,
NORTHERN DISTRICT OF TEXAS,
UNDER THE JUDICIAL IMPROVEMENTS ACT OF 2002.

ORDER

On October 1, 2026, I identified a complaint pursuant to 28 U.S.C. § 351(b) and Rule 5 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings ("JC&D Rules") against United States District Judge Ada E. Brown, Northern District of Texas, based on probable cause that Judge Brown has: treated other judges and judicial employees in a demonstrably egregious and hostile manner in violation of JC&D Rule 4(a)(2)(B); created a hostile work environment for judicial employees in violation of JC&D Rule 4(a)(2)(C); refused, without good cause shown, to cooperate in the investigation of a pending judicial misconduct complaint in violation of JC&D Rule 4(a)(5); habitually delayed rendering decisions in a significant number of cases in violation of JC&D Rule 4(b)(2); and abandoned her docket in violation of JC&D Rule 4(a). Pursuant to JC&D Rule 11(b), I invited Judge Brown to respond to the complaint by October 15, 2026. Judge Brown did not file a response.

Pursuant to 28 U.S.C. § 353(a) and JC&D Rule 11(f), I hereby APPOINT a special committee to investigate the allegations in the complaint and to make recommendations to the Judicial Council. United

States Circuit Judge James E. Graves, Jr., and Chief United States District Judge Alia Moses, Western District of Texas, shall serve with me on the special committee. I will serve as the presiding officer. *See* JC&D Rule 12(b).

JENNIFER WALKER ELROD
Chief Judge

United States Court of Appeals
Fifth Circuit
FILED
October 16, 2026
Thomas B. Plunkett, III
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90196

IN RE COMPLAINT IDENTIFIED BY
CHIEF UNITED STATES CIRCUIT JUDGE JENNIFER WALKER ELROD
AGAINST UNITED STATES DISTRICT JUDGE ADA E. BROWN,
NORTHERN DISTRICT OF TEXAS,
UNDER THE JUDICIAL IMPROVEMENTS ACT OF 2002.

ORDER

Before ELROD, *Chief Circuit Judge*, GRAVES, *Circuit Judge*, and MOSES, *Chief District Judge.*

PER CURIAM:

By order dated October 16, 2026, a special committee composed of Chief United States Circuit Judge Jennifer Walker Elrod, United States Circuit Judge James E. Graves, Jr., and Chief United States District Judge Alia Moses ("the Committee") was appointed to investigate and report its findings and recommendations with respect to a complaint identified by Chief Judge Elrod against United States District Judge Ada E. Brown, Northern District of Texas, pursuant to 28 U.S.C. § 351(b) and Rule 5 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings ("JC&D Rules"). Prior to the appointment of the Committee, Judge Brown was invited to respond to the complaint in writing by October 15, 2026. She did not file a response.

The Committee has determined that it is necessary to interview Judge Brown under oath and on the record regarding the allegations in the complaint. Pursuant to 28 U.S.C. § 353(c) and JC&D Rule 13(a), IT IS ORDERED that Judge Brown appear in person before the Committee at

8:00 a.m. on Friday, October 30, 2026, [redacted]. The interview shall not exceed three hours.

Judge Brown may request that the Committee compel the attendance of additional witnesses with knowledge of the allegations in the complaint, or she may bring any such witness who agrees to be interviewed voluntarily. Judge Brown and the Committee members, or their respective counsel, shall be permitted to question any such witness under oath and on the record. The combined time for the interviews of these additional witnesses shall not exceed three hours, to be divided equally between Judge Brown and the Committee.

The interviews will be recorded and transcribed by a certified court reporter. The Federal Rules of Evidence do not apply to these interviews, but testimony and documentary evidence must be non-duplicative and materially relevant to the allegations in the complaint.

At the conclusion of the interviews of Judge Brown and the additional witnesses, if any, Judge Brown may present oral argument to the Committee pursuant to JC&D Rule 15(d). The argument shall not exceed one hour. In addition, Judge Brown may request that the Committee compel the production of documents relevant to the allegations in the complaint.

Judge Brown may be represented by counsel at all stages of this process.

IT IS FURTHER ORDERED that by 5:00 p.m. on October 23, 2026, Judge Brown shall:

1. provide the name and contact information of any attorney who will appear on her behalf;
2. if she intends to request the issuance of a *subpoena ad testificandum*, provide the name, phone number, and address of each witness, as well as the expected nature of his or her testimony;

3. if she intends to bring any witness who will testify voluntarily, provide the name and contact information of such witness, as well as the expected nature of his or her testimony;
4. produce all documentary evidence she intends to present during the interview(s) and/or oral argument, labeled as numbered exhibits;
5. if she intends to request the issuance of a *subpoena duces tecum*, provide a list and description of the requested records and the name and contact information of the custodian of such records; and
6. submit written argument to the Committee pursuant to JC&D Rule 15(d).

All responses should be submitted via e-mail to Garrett Cain, General Counsel, at garrett_cain@ca5.uscourts.gov.