

FILED

June 1, 2026

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90127

IN RE COMPLAINT OF JUDICIAL MISCONDUCT UNDER THE JUDICIAL IMPROVEMENTS ACT OF 2002.

ORDER

Complainant, a *pro se* litigant, has filed a complaint alleging misconduct by a United States District Judge (“Judge A”) in two civil cases, both of which were removed from state court to federal court by the defendants.

A review of the record in *Case I* reflects that Complainant filed a motion to disqualify Judge A and a United States Magistrate Judge, alleging bias, lack of jurisdiction, and violation of Complainant’s due process rights. In an order entered in April 2025, Judge A recused himself.

The record in *Case II* reflects that the matter was initially assigned to another United States District Judge (“Judge B”) and was reassigned to Judge A in November 2025 after Judge B recused himself *sua sponte*. Complainant did not move to disqualify Judge A. While preliminary matters were pending before a United States Magistrate Judge and before Judge A took any action in the case, the matter was reassigned to a third United States District Judge (“Judge C”) pursuant to an order entered by the district court clerk establishing Judge C’s docket in that Division of the district court.

In the instant complaint, Complainant alleges that Judge A was required to recuse himself *sua sponte* in *Case II* because: (a) he had recused

from *Case I*, which involved Mortgage Electronic Systems, Inc. (“MERS”) and overlapping factual circumstances; and (b) Judge A allegedly has a MERS-linked mortgage on his home and therefore had a financial interest in the proceeding.¹ Complainant further asserts that the reassignment of *Case II* to Judge A “raises substantial concerns regarding compliance with federal recusal statutes and the appearance of impartiality.”

Judge A was not required to recuse himself simply because he allegedly has a MERS-linked mortgage. Merely having a mortgage does not create a financial interest in the mortgage registration system or the lender.

The assertion that Judge A failed to recuse from *Case II* with an improper motive is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii) as “lacking sufficient evidence to raise an inference that misconduct has occurred.” To the extent this allegation relates directly to the merits of decisions or procedural rulings, including Judge A’s decision not to recuse himself *sua sponte*, it is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). The complaint procedures in 28 U.S.C. §§ 351-364 may not be used to challenge the correctness of a judge’s decision or ruling.

Complainant also complains that Judge A “completely ignored [Complainant’s] Notices of Jurisdictional Defects” in the defendants’ removals of the cases from state court, “improper[ly] assum[ed] jurisdiction,” and “fail[ed] to honor statutory limits,” thereby creating “a profound appearance of partiality” in favor of the defendants.

To the extent these allegations relate directly to the merits of decisions or procedural rulings, they are subject to dismissal under 28 U.S.C.

¹ Canon 3C(1)(c) of the Code of Conduct for United States Judges provides that “a judge shall disqualify himself or herself in a proceeding in which the judge’s impartiality might reasonably be questioned, including but not limited to instances in which ... the judge knows that the judge, individually or as a fiduciary, ... has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be affected substantially by the outcome of the proceeding[.]” Guide to Judiciary Policy, Vol. 2A, Ch. 2, at 8.

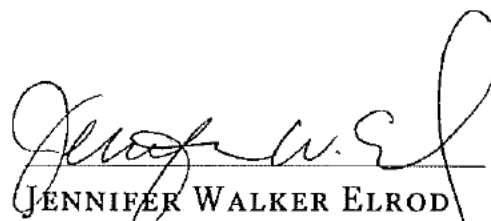
§ 352(b)(1)(A)(ii). The assertion that Judge A's adverse decisions demonstrate a bias in favor of the defendants is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii) as "lacking sufficient evidence to raise an inference that misconduct has occurred." *See Liteky v. United States*, 510 U.S. 540, 555 (1994).

Finally, Complainant complains that Judge A violated Canon 3B(1)² by failing to "supervise docket integrity." In support, she alleges that district court clerk's office personnel "mischaracteriz[ed] filings as federal lawsuits, adopt[ed] captions drafted by removing parties, and fail[ed] to include required state filings, mislabel[ed] affidavits as civil complaints, [and] fail[ed] to properly record notices of jurisdictional defect" and thereby "created an appearance that the Court endorsed improper removals."

Complainant has provided no evidence to suggest that Judge A "endorsed improper removals" or otherwise failed to discharge his administrative responsibilities, if any, over clerk's office personnel's handling of Complainant's filings. This allegation is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii) as "lacking sufficient evidence to raise an inference that misconduct has occurred."

² Complainant asserts that the failure to "supervise docket integrity ... constitutes misconduct under Rule 3(h)(3) of the Judicial-Conduct Rules," however there is no such rule in the Rules for Judicial-Conduct and Judicial-Disability Proceedings. *See* Guide to Judiciary Policy, Vol. 2E, Ch. 3. The allegation is therefore construed as being aimed at Canon 3B(1) which provides: "A judge should diligently discharge administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court personnel." *See* Guide to Judiciary Policy, Vol. 2A, Ch. 2, at 7.

The complaint is DISMISSED. An unredacted private order is entered simultaneously herewith.



JENNIFER WALKER ELROD
Chief Judge