

FILED

June 9, 2026

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90041

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

AMENDED ORDER

The order dated December 29, 2025, is WITHDRAWN, and the following order is SUBSTITUTED therefor:

Complainant, the former chief executive officer of a corporate bankruptcy debtor, has filed a complaint alleging misconduct by a United States Bankruptcy Judge in the company's bankruptcy case ("the current bankruptcy proceeding").

Complainant contends that prior to presiding over the current bankruptcy, the judge presided over a corporate bankruptcy proceeding ("the prior bankruptcy proceeding") filed by a different company,¹ in which the current bankruptcy debtor participated. Complainant alleges that the judge formed negative impressions of and bias against him and his affiliates while presiding over the prior bankruptcy proceeding. As evidence of the alleged bias, Complainant references the judge's post-trial "Findings of Fact and Conclusions of Law" issued in the prior bankruptcy proceeding, which discredited certain testimony of Complainant and generally questioned the credibility of Complainant and two former in-house attorneys for the current

¹ Complainant formed the other company, an SEC-registered investment advisor, along with two other individuals.

bankruptcy debtor, all of whom testified on behalf of the other company. Complainant further alleges that the judge referred to a lawsuit that she improperly attributed to him as “vexatious” during the prior bankruptcy proceeding.

According to Complainant, the bias formed by the judge during the prior bankruptcy, along with her reliance on information that she learned in prior bankruptcy proceeding, has resulted in consistent adverse rulings against him and his affiliates in the current bankruptcy proceeding. Complainant alleges that the judge made *sua sponte* rulings that “targeted” him; “ignored corporate formalities to punish” entities perceived to be affiliated with him; “single[d] out [Complainant] for negative treatment” during hearings and in rulings; intentionally disregarded rules and law to rule against him; and “manipulate[d]” the Rules of Procedure to his detriment. In support, Complainant’s complaint sets forth numerous examples of the judge’s adverse rulings and critical comments made during judicial proceedings in the current bankruptcy proceeding.

Many of Complainant’s allegations call into question the correctness of the judge’s decisions and rulings. To the extent the allegations relate directly to the merits of decisions or procedural rulings, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). The remaining allegations do not constitute “sufficient evidence to raise an inference that misconduct has occurred.” *See* 28 U.S.C. § 352(b)(1)(A)(iii).²

As the Supreme Court has recognized, “opinions formed by the judge on the basis of facts introduced or events occurring in the course of the *current proceedings, or of prior proceedings*, do not constitute bias, unless they display a deep-seated favoritism or antagonism that would make fair

² While the allegations in Complainant’s complaint alone do not raise an inference of bias, other individuals have submitted separate complaints with additional allegations against the judge regarding alleged bias against Complainant and his affiliates. Those allegations are addressed in the orders disposing of their respective complaints.

judgment impossible.”³ *See Liteky v. United States*, 510 U.S. 540, 555 (1994) (emphasis added). Though “[a] judge who presides at a trial may, upon completion of the evidence, be exceedingly ill disposed towards [a party,] ... the judge is not thereby recusable for bias or prejudice, since his knowledge and the opinion it produced were properly and necessarily acquired in the course of the proceedings, and are indeed sometimes ... necessary to completion of the judge’s task.” *Id.* at 550-51.

In addition, remarks “that are critical or disapproving of” individuals involved in a lawsuit, even when “hostile,” have been expressly found by the Supreme Court to be excluded from the characterization of “bias.” *See id.* at 555. This includes “expressions of impatience, dissatisfaction, annoyance, and even anger, that are within the bounds of what imperfect men and women, even after having been confirmed as federal judges, sometimes display,” as well as “[a] judge’s ordinary efforts at courtroom administration—even a stern and short-tempered judge’s ordinary efforts at courtroom administration.” *Id.*⁴

The critical comments made by the judge during judicial proceedings and cited by Complainant, without more, fall squarely within the confines of *Liteky* and do not, on their face, display “deep-seated favoritism or antagonism that would make fair judgment impossible.” *See id.* at 555.

Regarding Complainant’s suggestion that the judge’s pattern of adverse rulings against him constitutes evidence of improper bias,

³ “[N]ot subject to deprecatory characterization as ‘bias’ or ‘prejudice’ are opinions held by judges as a result of what they learned in earlier proceedings.” *Liteky*, 510 U.S. at 551.

⁴ In a similar vein, the Committee on Codes of Conduct of the Judicial Conference of the United States, Advisory Opinion 66, June 2009, provides: “Strongly stated judicial views rooted in the record, a stern and short-tempered judge’s efforts at court administration, expressions of impatience, dissatisfaction, annoyance and even anger directed to an attorney or a party should not be confused with judicial bias.” Guide to Judiciary Policy, Vol. 2B, Ch. 2, at 95.

Complainant fails to state a viable claim of misconduct because “[a]dverse decisions alone do not constitute evidence of bias.” *Id.*

These allegations are 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.”

Complainant also alleges that while promoting the release of her latest fiction novel, the judge’s book publisher used a marketing piece that constituted an improper public comment on a pending matter in violation of Canon 3(A)(6) of the Code of Conduct for United States Judges.⁵ The marketing piece included a disclaimer that referred to the judge as a public figure, stated that “an individual incorrectly asserted that one of her fictional characters was based on them,” and emphasized that the judge’s novels are fictional. Attached to the marketing piece was an article by a national newspaper company discussing an allegation by Complainant that a character in one of the judge’s prior fiction novels was modeled after him, an issue that Complainant raised in a petition for writ of certiorari then pending before the Supreme Court.

As part of my inquiry into this allegation, the judge informed me: that she was not aware of the marketing piece until after it was referenced in a filing in the Supreme Court; that while she retains oversight and control over the marketing and advertising of her extrajudicial writings, her former public relations representative created and distributed the piece without her approval; that after learning about the piece, she directed her publishing company to discontinue using it; and that the piece is no longer being used to promote her novel.⁶

⁵ Canon 3(A)(6) provides in pertinent part that “[a] judge should not make public comment on the merits of a matter pending or impending in any court.”

⁶ The marketing piece was distributed by the public relations representative as an attachment to emails sent to interested media outlets. Complainant and/or his associates appear to have since posted the piece on the internet.

Under these circumstances, the marketing piece does not constitute judicial misconduct. The judge should have been consulted prior to its use but was not, and she directed that its use be discontinued once she learned about it. Complainant has presented no evidence to the contrary. 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.”

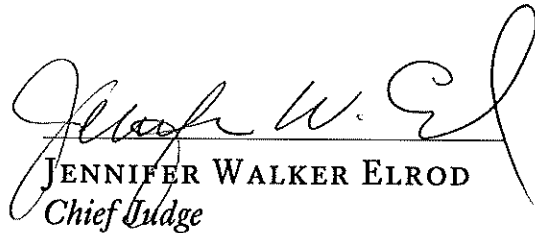
Finally, Complainant alleges that the judge, through her book publisher, made an improper and misleading comment on the merits of the petition for writ of certiorari after it was denied by the Supreme Court. In support, Complainant alleges that within hours of the Supreme Court’s denial, the judge’s book publisher provided a statement on the Supreme Court’s decision in response to an inquiry from a news reporter.

It is debatable whether this statement offends Canon 3(A)(6) because Canon 3(A)(6) extends only to “pending or impending matter[s]” and only “until the appellate process is complete.” Nonetheless, in communications with me regarding this allegation, the judge voluntarily: acknowledged that inaccurate or misleading public comments made by her or her publisher, either directly on her behalf or indirectly as her agent, could create an appearance of impropriety and agreed to refrain from such comments going forward; agreed to refrain from mentioning or commenting on, either directly or indirectly through an agent, any aspect of the bankruptcy proceeding or any of its participants in promotional or public relations activity related to the sale or marketing of her books; reviewed relevant ethical guidance and agreed that future promotional or public relations activity related to her extrajudicial writings will be consistent with the Code of Conduct for United States Judges and other relevant ethical guidance; agreed to continue exercising control and oversight over the promotional and public relations activity related to her extrajudicial writings; and agreed to seek advance, particularized guidance for all future promotional or public relations activity related to her

extrajudicial writings in the form of either informal guidance from the Fifth Circuit's representative on the Committee on Codes of Conduct of the Judicial Conference of the United States or from Committee counsel, or in the form of a confidential advisory opinion from the Committee.

I find that these actions constitute appropriate, voluntary corrective action that acknowledges and remedies the problems raised by the complaint. *See* Rule 11(d). This aspect of the complaint is therefore subject to conclusion under 28 U.S.C. § 352(b)(2) (a chief judge may “conclude the proceeding if the chief judge finds that appropriate corrective action has been taken or that action on the complaint is no longer necessary because of intervening events”).

The complaint is DISMISSED in part and CONCLUDED in part. and this matter is hereby closed. An unredacted private order is entered simultaneously herewith.


JENNIFER WALKER ELROD
Chief Judge

FILED

August 17, 2026

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90041

IN RE COMPLAINT OF [REDACTED] AGAINST
[REDACTED]

UNDER THE JUDICIAL IMPROVEMENTS ACT OF 2002.

ORDER

An Appellate Review Panel of the Judicial Council for the Fifth Circuit has considered [REDACTED] petition for review of the order of Chief Judge Jennifer Walker Elrod, filed June 9, 2026, dismissing in part and concluding in part the above-captioned complaint against [REDACTED]

[REDACTED]
under the Judicial Improvements Act of 2002.

All members of the panel have voted to affirm the order. Accordingly, the petition for review is DENIED.



Catharina Haynes
United States Circuit Judge
For the Judicial Council of the Fifth Circuit