

FILED

May 21, 2026

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90115

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

ORDER

Complainant, a private citizen, has filed a complaint alleging misconduct by a United States District Judge in a 28 U.S.C. § 2241 proceeding filed by Complainant's aunt, an immigration detainee.

Complainant complains that during a hearing held on February 11, 2026, the judge demonstrated bias because, "despite provably perjurious filing by Respondents, [the judge] only threatened Petitioner's counsel with sanctions for her use of the phrase 'boot it up' in reference to a lap top, thereafter himself using the phrase 'self-licking ice-cream cone' and 'what is the plumbing' when inquiring as to ICE Supervision orders."

The record reflects that the judge's admonishment of petitioner's counsel was aimed at what the judge perceived as counsel's inappropriately casual manner in addressing the Court. Indeed, the record reflects that, immediately thereafter, the judge further advised petitioner's counsel that "the rules of decorum" required her to stand and to "speak with respect" when she addressed the Court.

The Supreme Court of the United States has held that judicial bias is not established by a judge's "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. A judge's ordinary efforts at courtroom administration—even a stern and short-tempered judge's ordinary efforts at courtroom administration—remain immune.” *Liteky v. United States*, 510 U.S. 540, 555–56 (1994). The judge’s comments fit within the ordinary efforts at courtroom administration described in *Liteky*. This aspect of the complaint 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 that Complainant asserts that the judge should have sanctioned the respondents for allegedly filing “perjurious” pleadings, the allegation relates directly to the merits of decisions or procedural rulings and is therefore 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 ruling or decision. *See* Rule 4(b)(1) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings (“JC&D Rules”).

Complainant also implies that the judge’s failure to sanction the respondents, together with his threat to sanction petitioner’s counsel, is evidence of bias against the petitioner. However, Complainant has not provided any evidence that the differential treatment was the result of bias or other improper motive. *See Liteky*, 510 U.S. at 555 (holding that adverse rulings alone do not constitute evidence of bias). 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.”

Complainant further complains that the judge stated, “can’t you all just settle this between yourselves?!” during a discussion about setting the terms of release in the event the court granted the § 2241 petition. Complainant alleges that the judge’s remark conveyed a “lack of interest” in ruling on the petition.

However, the record reflects that the judge noted several times that he did not have the authority to set the terms of release and, when neither attorney could provide a clear answer to his inquiry about the process for setting the terms of release, he simply asked whether they could “work out” the terms. 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.”

Complainant also complains that the judge demonstrated “inexplicable neglect” and “a likely bias or preference for denial or dismissal” of § 2241 petitions because he has not issued a ruling on the petition, which became ripe after the hearing on February 11, 2026, and because he has not yet responded to a request for a status update and a motion to expedite filed on March 12 and 30, 2026, respectively.

A review of the record reflects that the case proceeded normally, without any periods of undue delay. Regardless, Complainant’s conclusory assertion that the judge has delayed issuing those rulings due to an improper motive or “inexplicable neglect” 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.”¹

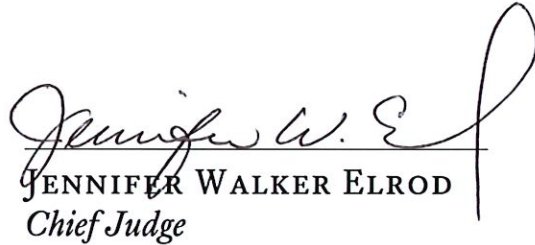
Last, Complainant complains that the judge’s “history of denying all habeas petitions in 2025” suggests “bias against granting such petitions no matter what the facts warrant.” Complainant has not provided any evidence of a pattern of the judge denying petitions “no matter what the facts warrant,” much less a comprehensive analysis of all § 2241 matters filed by immigration detainees which were dismissed by the judge in 2025. This allegation is therefore subject dismissal under 28 U.S.C. § 352(b)(1)(A)(iii) as “lacking sufficient evidence to raise an inference that misconduct has

¹ JC&D Rule 4(b)(2) provides that “cognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.”

occurred.” *See also In re Memorandum of Decision of Jud. Conf. Comm. on Jud. Conduct & Disability*, 591 F.3d 638, 646 (U.S. Jud. Conf. Oct 26, 2009) (“Rule 6(b) makes clear that the complaint must be more than a suggestion to a Chief Judge that, if [s]he opens an investigation and the investigating body looks hard enough in a particular direction, [s]he might uncover misconduct. It must contain a specific allegation of misconduct supported by sufficient factual detail to render the allegation credible.”)

Even if Complainant had provided evidence that the judge denied every § 2241 petition in 2025, the Supreme Court has made clear that adverse rulings alone do not constitute evidence of bias. *See Liteky*, 510 U.S. at 555.

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


JENNIFER WALKER ELROD
Chief Judge