

FILED

June 9, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-25-90053

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

ORDER

Complainant, a civil litigant, has filed a complaint alleging misconduct by a United States District Judge in a 42 U.S.C. § 1983 proceeding.

Pursuant to Rule 25(f) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, this matter has been assigned to me for consideration.

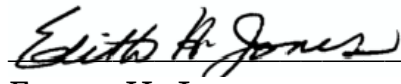
Complainant asserts that in denying a motion to quash, the judge authorized a “fishing expedition” into personal communications and “demonstrated a shocking disregard for the First Amendment’s protections of free speech and association.” Complainant’s challenge to the judge’s ruling relates directly to the merits of the judge’s decision and is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). Judicial misconduct proceedings are not a substitute for the normal appellate review process, nor may they be used to obtain reversal of a decision or a new trial.

Complainant further alleges that, during a hearing, the judge made “rabidly partisan” remarks which were a clear example of his “engaging in partisan political activity or making inappropriately partisan statements.” The record shows that the remarks were not partisan or political activity, but instead reflected the judge’s opinions about Complainant based on the evidence before him. The Supreme Court has held that “[t]he judge who presides at a trial may, upon completion of the evidence, be exceedingly ill

disposed towards the defendant. ... But 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” *Liteky v. United States*, 510 U.S. 540, 550-51 (1994).

Complainant’s allegation that the judge’s remarks were improper partisan statements or political activity is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii) as “lacking sufficient evidence to support a finding of judicial misconduct.”

The complaint is DISMISSED.


EDITH H. JONES
Circuit Judge