

**FILED**

May 29, 2025

Lyle W. Cayce  
Clerk

# United States Court of Appeals for the Fifth Circuit

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Complaint Number: 05-25-90015

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IN RE COMPLAINT IDENTIFIED BY THE CHIEF JUDGE OF THE  
UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT  
UNDER THE JUDICIAL IMPROVEMENTS ACT OF 2002.

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## ORDER

Pursuant to 28 U.S.C. § 351(b) and Rule 5(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings (“JC&D Rules”), I identified a complaint of judicial misconduct and/or disability against a United States magistrate judge. The subject judge has since retired due to permanent disability. Because he is no longer a covered judicial officer under 28 U.S.C. §§ 351–364 and the JC&D Rules, the proceeding must be concluded pursuant to 28 U.S.C. § 352(b)(2) and JC&D Rule 11(e).

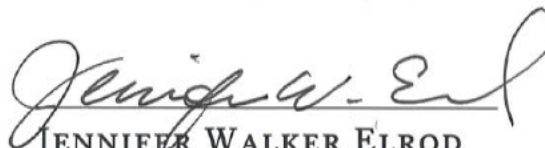
Prior to his retirement, it was alleged that the subject judge engaged in aberrant and inappropriate conduct during an incident in December 2024. After that alleged incident, the judge entered an in-patient medical facility, where he was treated for several months, and was placed on medical leave. He remains under the close care of physicians.

Upon receiving this information, I identified a complaint of misconduct and/or disability pursuant to JC&D Rule 5(a). *See also* JC&D Rule 11(a). Thereafter, I invited the subject judge to respond. *See* JC&D Rule 11(b). In his response, the judge did not contest the allegations, stated that he suffers from a disability that makes him unable to discharge the duties of office, and attributed the alleged inappropriate conduct to his physical

and/or mental disability. The judge then underwent an independent medical evaluation, the results of which supported his assertion that he suffers from significant permanent impairments that have affected his conduct at issue and also rendered him unable to discharge the duties of office.

The subject judge has since retired due to permanent disability and is no longer a judicial officer subject to 28 U.S.C. §§ 351–364. Departure from a covered judicial office requires conclusion of a complaint proceeding on the merits. *In re Complaints Under the Judicial Conduct and Disability Act*, C.C.D. No. 19-02, pp. 9-10 (March 3, 2020).<sup>1</sup>

Because “action on the complaint is no longer necessary because of intervening events,” the proceeding is CONCLUDED. *See* 28 U.S.C. § 352(b)(2); *see also* JC&D Rule 11(e) (explaining action is no longer necessary when “intervening events render some or all of the allegations moot or make remedial action impossible as to the subject judge”).

  
JENNIFER WALKER ELROD  
Chief Judge

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<sup>1</sup> The Committee on Judicial Conduct and Disability has opined that a *district* judge who retires under 28 U.S.C. § 372(a) due to disability is not precluded from coverage under 28 U.S.C. §§ 351–364 because, pursuant to 28 U.S.C. § 294(b), that judge “shall be known and designated as a senior judge and may continue to perform such judicial duties as he is willing and able to undertake.” *See In re Complaint of Judicial Misconduct*, C.C.D. No. 17-02, p. 4 (November 30, 2017). However, a *magistrate* judge who retires under 28 U.S.C. § 377(d), the statute governing disability retirement for magistrate judges, is not designated as a senior judge and may not continue performing judicial duties. Hence, a magistrate judge’s retirement due to disability is akin to a district judge’s retirement under 28 U.S.C. § 371(a), which the Committee has determined is a proper basis to conclude a misconduct proceeding. *See In re Complaint of Judicial Misconduct*, C.C.D. No. 16-01, p. 2 (January 26, 2017); *see also In re Complaints Under the Judicial Conduct and Disability Act*, C.C.D. No. 19-03, p. 2 (March 31, 2020) (affirming conclusion of a complaint when the subject judge retired under 28 U.S.C. § 178(j)(4)(A), thereby permanently and irrevocably relinquishing the judicial office).

**FILED**

June 3, 2025

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Number: 05-25-90015

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IN RE COMPLAINT IDENTIFIED BY THE CHIEF JUDGE OF THE  
UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT  
UNDER THE JUDICIAL IMPROVEMENTS ACT OF 2002.

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## ORDER

In an order entered May 29, 2025, Chief Judge Jennifer Walker Elrod concluded the above-captioned complaint under 28 U.S.C. § 352(b)(2) and Rule 11(e) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. Pursuant to Rule 11(g)(3), the complaint and concluding order were transmitted to an Appellate Review Panel of the Judicial Council for the Fifth Circuit for review in accordance with Rule 19. All the members of the Panel have voted to affirm the order.

The order is therefore AFFIRMED.



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Catharina Haynes

*Circuit Judge*

*For the Judicial Council of the Fifth Circuit*