

FILED

May 29, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-25-90044
and 05-25-90045

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

ORDER AND MEMORANDUM OF REASONS

Complainant, a federal prisoner, has filed a complaint alleging misconduct by a United States District Judge and a United States Magistrate Judge.

Complainant complains that the magistrate judge's failure to recuse herself for conflict of interest violated Complainant's due process rights. She further alleges that the magistrate judge's Report and Recommendation "argu[ed] for the defendants" and "appeared prejudiced and biased. Complainant also complains that "all of [my] motions were DENIED," the case "was dismissed by [the subject judges]," and when Complainant attempted to file a Rule 60 motion, "a response was sent back to [me] stating that the matter was CLOSED."¹

To the extent that these 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). Judicial misconduct proceedings are not a substitute for

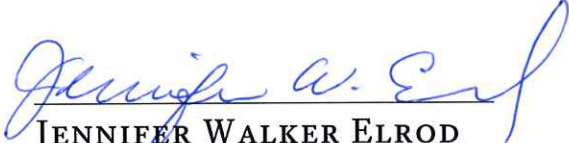
¹ Complainant requests relief that is not available under the complaint procedure, i.e., to reopen the underlying case and to transfer it to another district court. *See* Fifth Circuit Comment 4, Rules for Judicial-Conduct and Judicial-Disability Proceedings.

the normal appellate review process, nor may they be used to obtain reversal of a decision or a new trial.

The conclusory assertions of prejudice and bias are 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.”

This is Complainant’s fourth complaint to be dismissed as merits-related and/or conclusory under 28 U.S.C. §§ 352(b)(1)(A)(ii) and/or (iii). This is an abuse of the complaint process. Complainant is WARNED that should she file a further merits-related, conclusory, frivolous, or repetitive complaint, her right to file complaints may be suspended and, unless she is able to show cause why she should not be barred from filing future complaints, the suspension will continue indefinitely. *See* Rule 10(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

An order dismissing the complaint is entered simultaneously herewith.


JENNIFER WALKER ELROD
Chief Judge