

FILED

May 27, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-25-90047

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 in Complainant's criminal trial and post-conviction proceedings.

Complainant complains that the judge engaged in "criminal behaviors and actions, also treason, with constructive fraud." In support of these claims, Complainant alleges:

- The judge "committed numerous due process violations during [voir dire], etc. Done intentionally."
- "Constructive fraud by [the judge], FBI officials, and the U.S. Attorney done intentionally."
- The judge "intentionally ordered the clerks not to file [my] new civil petition per Rule 60(b)(4) for void judgment by not giving it a new civil number but order[ed] the clerks to attach it to a criminal filing as another regular filing[.] ... This is a clear and major due process violation, treason per and against the Constitution by

being intentionally wrongfully denied access to the court lawfully.
This is also constructive fraud with the clerks of the court.”

It appears that Complainant’s further allegation that the judge treated him “in a demonstrably egregious and hostile manner” in violation of Rule 4(a)(2)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings is related to this alleged misconduct.

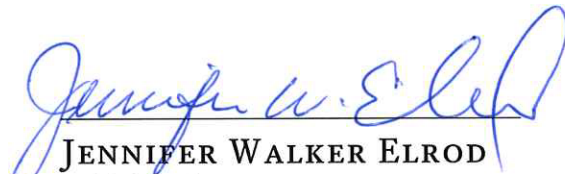
To the extent that these allegations relate directly to the merits of decisions and procedural rulings, including the decisions construing the Rule 60(b)(4) motion as a successive § 2255 motion and ordering the district court clerk to open a companion civil cause, they are subject to dismissal under 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.

The conclusory assertions of improper motive, treason, constructive fraud, and egregious and hostile treatment, 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.”

Without providing any information in support of the claims, Complainant also asserts that the judge: retaliated against him in violation of Rule 4(a)(4) “for participating in this complaint process, or for reporting or disclosing judicial misconduct or disability”; “refus[ed] ... to cooperate in the investigation of a complaint ... under these Rules” in violation of Rule 4(a)(5); and, engaged in “conduct occurring outside the performance of official duties ... [that] is reasonably likely to have a prejudicial effect on the administration of the business of the courts, including a substantial and widespread lowering of public confidence in the courts among reasonable people” in violation of Rule 4(a)(7).

These conclusory allegations 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.”

An order dismissing the complaint is entered simultaneously herewith.



JENNIFER WALKER ELROD
Chief Judge