

**FILED**

June 30, 2025

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Number: 05-25-90051

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

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## ORDER

Complainant, a federal prisoner, has filed a complaint alleging misconduct by a United States District Judge in Complainant's criminal and post-conviction proceedings.<sup>1</sup>

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

### *Intentional endangerment*

Complainant complains that despite his attorney's request that a arraignment hearing "be held with an empty court for [my] safety," a defendant in a separate criminal proceeding was also arraigned. Complainant protests that the judge knowingly "endangered [me] by alternating the Rule 11 questioning between the [other defendant] and [me], ... intentionally exposing the details of [my] offense to the [other defendant] who would be transferred in the same van as [me] to the same Federal Detention Center that same day." Recounting that the other defendant

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<sup>1</sup> To the extent Complainant requests that the "case to be reassigned to another judge from another Court," the judicial complaint process cannot be used to "transfer a pending case from one judge or court to another." *See* Fifth Cir. Comment 4.2, Rules for Judicial-Conduct and Judicial-Disability Proceedings.

subsequently sought to extort him, Complainant protests that the judge's "apparent plan to harm [me] had worked."

Complainant further complains that contrary to his motion requesting that "the final order in [my] reduction of sentence procedures ... be sealed due to safety concerns about inmates incarcerated with [me] being able to see it if the order made its way to the law library computer system used by BOP," the unsealed October 2022 order denying a reduction of sentence "was an exposé that discussed in great detail all the offense conduct allegations attributed to [me]." Complainant asserts that the judge "publish[ed] the most detailed denial in order to endanger [me]."

These allegations relate directly to the merits of decisions and procedural rulings, including the decision to rearraign both Complainant and the other inmate in the same proceeding, and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). The conclusory assertion of intentional endangerment 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."

#### *Intentional discrimination*

In the order denying Complainant's motion for reduction of sentence, the judge quoted the Presentence Investigation Report ("PSR") which reflected that Complainant called himself a "boy lover" during an interview with an FBI agent. Complainant denies that he called himself a "boy lover" but submits that, even if he had, "it was completely inappropriate for [the judge] to label [me] with such a derogatory term" and demonstrates intentional discrimination "based on [my] assumed sexual orientation."

As further evidence of discrimination based on his "assumed sexual orientation," Complainant compares the October 2022 order denying his motion for reduction of sentence with a November 2023 order granting

“similarly situated” Defendant X’s motion for reduction of sentence. In support, Complainant notes that:

- The judge “wrote only one paragraph about the murders” for which Defendant X was convicted and “did not comment on [Defendant X’s] assumed sexual orientation,” whereas the judge “wrote multiple paragraphs about [my] offense conduct” and commented “on [my] assumed sexual orientation.”
- The judge denied Complainant’s motion for reduction of sentence even though he and Defendant X presented similar claims, i.e, they had suffered trauma during childhood, they were young when they committed the crimes, they had been exemplary prisoners, and they had completed rehabilitative courses and earned college credits during their incarceration.

These allegations relate directly to the merits of decisions and procedural rulings and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). The conclusory assertions of intentional discrimination based on Complainant’s “assumed sexual orientation” 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.”

*Intentional defamation and violation of privacy*

In objections to the PSR, Complainant disputed the statement that he had access to his victims because his mother was their sitter or caretaker. Complainant complains that the judge summarily denied the objection, and then deliberately included those “false and defamatory statements about [me] and [my] mother” in the October 2022 order. Complainant further complains that the judge “cited and quoted from [the sealed] PSR on 10 separate occasions” in the order, thereby violating Complainant’s privacy by

“ma[king] public the private information from [my] PSR without following any proper procedures to unseal the information first.”

These allegations relate directly to the merits of decisions or procedural rulings and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). The conclusory assertions of intentional defamation and violation of privacy 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.”

*Retaliatory delay*

Complainant complains that the judge “had various opportunities to seal the [October 2022] order, yet he intentionally chose to keep [me] in danger by refusing to seal it [o]n separate occasions,” “delaying the sealing on remand,” and “scheduling a long and redundant set of proceedings.” Complainant asserts that the intentional delays were “[in] retaliation for [his] requesting a reduction of sentence and later for appealing the denial to seal.”

To the extent these allegations relate directly to the merits of the judge’s initial decision not to seal the October 2022 order, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

The allegation of retaliatory delay is contradicted by the docket, which reflects that the judge denied Complainant’s renewed motion to seal within three weeks of it becoming ripe for consideration and, on remand, the judge granted the renewed motion within six days of it becoming ripe for consideration. Moreover, Rule 4(b)(2) provides, “[c]ognizable 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.” However, Complainant provides no evidence for his conclusory assertion of improper motive. Therefore, this allegation, and the conclusory assertion of

improper motive, 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.”

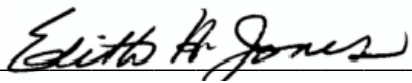
*Abuse of discretion with intent to harm*

Complainant alleges that the judge “repeatedly abused his discretion in the form of passive-aggressive hostility against [me] ... to cause [me] harm, in violation of my due process rights.” In support, Complainant points to the following decisions: holding the simultaneous arraignment hearings; denying Complainant’s “objections to the PSR ... without making the necessary findings and without providing an explanation”; failing to “explain in sufficient detail why he issued the sentence of 600 months and a \$10,000 fine”; denying “without an explanation” Complainant’s motion to seal the record related to the motion to reduce sentence; denying Complainant’s motion to appoint counsel; “violat[ing] [my] privacy by citing and quoting details from [my] sealed PSR”; denying the “renewed motion to seal without an explanation”; and, on remand, “schedul[ing] an unusually long and redundant set of proceedings,” granting an extension “after the Government missed a deadline, and cover[ing] up for the Government by stating that he was granting an extension due [to] a request by the Government that was not made by motion.”

These allegations relate directly to the merits of decisions or procedural rulings and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). The conclusory assertions of hostility towards Complainant and bias in favor of the Government 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.”

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.

An order dismissing the complaint is entered simultaneously herewith.

  
EDITH H. JONES  
*Circuit Judge*

**FILED**

August 28, 2025

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Number: 05-25-90051

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IN RE COMPLAINT OF [REDACTED] AGAINST  
[REDACTED]  
[REDACTED]

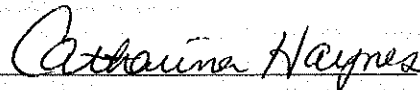
UNDER THE JUDICIAL IMPROVEMENTS ACT OF 2002.

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## ORDER

An Appellate Review Panel of the Judicial Council for the Fifth Circuit has reviewed the above-captioned petition for review, and all the members of the Panel have voted to affirm the order of Judge Edith H. Jones, filed June 30, 2025, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The order is therefore AFFIRMED.



Catharina Haynes  
United States Circuit Judge  
For the Judicial Council of the Fifth Circuit