

**FILED**

June 10, 2025

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

---

Complaint Number: 05-25-90052

---

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

---

### ORDER

Complainant, an attorney, has filed a complaint alleging misconduct by a United States District Judge in a civil proceeding in which Complainant represented the plaintiff.

#### *Background*

Of relevance to the instant complaint, a review of the record shows that the judge convened a show cause hearing in September 2016 regarding Complainant's conduct before the court. In a sealed order entered following the hearing, the judge found that Complainant should be suspended from practicing in the district until he demonstrated his ability to comply with court orders and conduct litigation properly. The judge also ordered Complainant to submit a report advising the court of the specific steps he had taken to address the circumstances that led to his suspension and to demonstrate his competence to resume the representing clients in the district.

Complainant did not submit a report, and the judge entered a sealed order instructing him to show cause in writing why the Court should not permanently bar him from practicing in the district. Complainant did not file

a response to the order to show cause and, finding that his failure to respond demonstrated a continued disregard for the court's orders and reflected an inability to conduct litigation properly, the judge entered a sealed order barring him from practicing in the district.

In 2017, the judge entered a sealed order denying Complainant's application for admission to the district's bar. In 2018, the judge entered a sealed order granting Complainant's second application for admission on the condition that he would practice under the supervision of his attorney-sponsor, and he could apply for the condition to be lifted in 12 months. In late 2019, Complainant applied to lift the condition and, in a sealed order entered in early 2020, the judge granted the motion.

### *Allegations*

Complainant claims that the proceedings summarized above were unwarranted, "the allegations and reasons to disbar me [were] a stretch to say the least," the decision to disbar him "shocked my conscious [sic]," and the process was "corrupt" and "clearly used to affect my career." In support of these claims:

- Complainant submits that the entire disciplinary process could have been avoided if the judge had simply permitted the plaintiff to file the (untimely) Unopposed Motion for Leave to File First Amended Complaint because, once that motion was filed, it was "obvious ... why Plaintiff didn't respond to" the defendant's (purportedly) moot Motion to Dismiss.
- Complainant recounts that during the first show cause hearing, he explained why the plaintiff's motion for leave was untimely filed, including telling the court that his wife had filed for a divorce a few months earlier, had obtained a temporary restraining order which she then violated, and was "keeping [him] from his kids." In

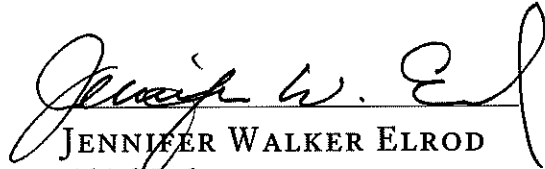
response, the judge “said that I needed ‘to go see a bishop, pastor, decon [sic], synagoge [sic] or whatever you are,’” mentioned “electronic devices used on sex offenders,” and “insist[ed] on finding out the facts that lead [sic] me to not respond to the moot motion.”

- Complainant objects that the judge made a “clearly false” finding that his failure to respond to the order to show cause reflected the inability to conduct litigation properly.
- Regarding the judge’s decision to grant his second application for admission on the condition that he would practice under the supervision of his attorney-sponsor, Complainant states: “I thought this was weird at the time because [the attorney-sponsor] is a criminal defense attorney, family law, personal injury, and mass environmental class action attorney ... [whereas] [a]t that point in my career, I had only done criminal defense and patent litigation.”
- Complainant complains that he did not receive notice that the motion to lift the condition had been granted until “about three months after I filed [it],” and the order was “not listed on the court docket.” A review of the record shows that the motion was granted nine weeks after it was filed, and the order was entered on the docket one day after it was signed.

To the extent that the complaint relates directly to the merits of decisions or procedural rulings, it 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.

The conclusory assertions of personal animus and “corruption” 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*