

FILED

July 7, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-25-90054

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

ORDER

Complainant, a pro se litigant, has filed a complaint alleging misconduct by a United States Magistrate Judge in a pending civil case.¹

Complainant alleges that the judge “delayed serving the parties, depriving my rights at [sic] equal protection @ [sic] due process. Only 3 people apart [sic] of the parties responded with a motion 2 [sic] dismiss.” The docket reflects no delay in service or attempted service on the five defendants. The summonses were issued and delivered to the US Marshals Service [“USMS”] on February 12, 2025. The USMS served four defendants (each of whom filed motions to dismiss), but was unable to effect service on the fifth defendant who was no longer employed by the relevant agency.

¹ To the extent that Complainant requests that the case be “move[d] forward w/out delay and or [sic] place a[n] order to recuse [the judge] and place the case/cause with another judge within jurisdiction,” the judicial complaint process cannot be used to obtain such relief. *See* Fifth Cir. Comment 4.2, Rules for Judicial-Conduct and Judicial-Disability Proceedings.

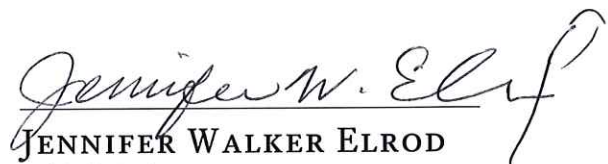
Complainant further asserts that the judge “obstructed justice” by cancelling the pretrial conference “1 day prior to the hearing.” Contrary to this claim, the record reflects that the conference was scheduled for May 16, 2025, and it was cancelled by the judge on May 9, 2025.

These allegations are not supported by the record and are therefore 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.”

Complainant also complains that the judge’s decision to reschedule the conference to July 11 due to the parties’ failure to comply with a court order “farther [sic] delay[ed] due process.”

This allegation relates directly to the merits of a decision or procedural ruling and is therefore 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.

An order dismissing the complaint is entered simultaneously herewith.


JENNIFER WALKER ELROD
Chief Judge