

FILED

July 24, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-25-90064

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.

Complainant alleges that the magistrate judge has subjected “a pro se litigant with a permanent disability” to “significant and unexplained delays in the adjudication of critical motions.” In support of this claim, Complainant states that his motion to compel discovery and his motion for sanctions against defense counsel “have gone completely unanswered by the court for nearly a month.”

Contrary to this claim, the record reflects that the magistrate judge denied both motions on May 29, 2025, i.e., nine days after Complainant filed the motion to compel, seven days after he filed the motion for sanctions, and twelve days before he submitted the instant complaint. The allegation of undue delay in ruling on these motions is therefore subject to dismissal as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii).

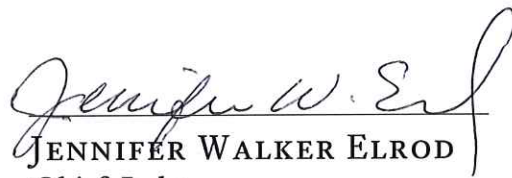
Complainant further complains that the magistrate judge has not ruled on his “objections” to defense counsel’s “procedural misconduct,” i.e., a “supplemental statement,” a “declaration,” and two “notices” filed after

the magistrate judge denied Complainant's motion for sanctions against defense counsel. Complainant contends that the magistrate judge has thereby failed to "protect the integrity of the proceedings or to ensure compliance with court rules," demonstrated "willful indifference to my rights as a litigant," and "create[d] the appearance of judicial bias or dereliction of duty."

None of Complainant's filings appear to be formal motions for relief. Regardless, eight days before Complainant submitted the instant complaint, the magistrate judge ordered that all further filings be stayed until after disposition of the defendant's motion to dismiss. This allegation is, in part, related directly to the merits of the magistrate judge's decision or procedural ruling prioritizing consideration of that motion over other pending motions or filings, 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.

The conclusory assertions of "willful indifference," "judicial bias," and "dereliction of duty" 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