

FILED

July 24, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-25-90065

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

ORDER

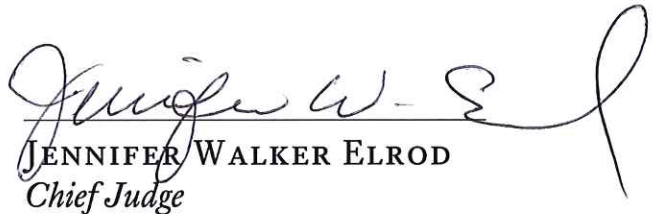
Complainant, a federal prisoner, has filed a complaint alleging that the subject United States District Judge exhibited signs of cognitive impairment during a suppression hearing, a bench trial, and a sentencing hearing. Complaint further complains that trial counsel failed to request that the case be transferred to another judge and, as a result, Complainant was improperly convicted. Complainant also complains that another attorney who represented him in a 28 U.S.C. § 2255 proceeding (before a different district judge) failed to raise the issue of the judge's cognitive impairment.¹

To the extent Complainant alleges that the judge's cognitive impairment resulted in erroneous decisions, including "an improper criminal conviction," Rule 4(a) provides that "[c]ognizable conduct does not include an allegation that calls into question the correctness of a judge's ruling[.]" The complaint procedures in 28 U.S.C. §§ 351-364 are not a substitute for the normal appellate review process and may not be used to obtain reversal of a decision or a new trial. Therefore, this allegation is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii) as "directly related to the merits of decisions or procedural rulings."

¹ To the extent Complainant alleges misconduct or ineffective assistance against his attorneys, those allegations are not cognizable under 28 U.S.C. §§ 351-364.

As to the allegations of disability generally, the judge assumed inactive senior status after the alleged conduct occurred, permanently relinquished all cases, and has not been designated to perform judicial duties pursuant to 28 U.S.C. § 294(c). The judge has no chambers and no chambers staff. These circumstances “render some or all of the allegations moot or make remedial action impossible as to the subject judge” and/or are “appropriate voluntary corrective action that acknowledges and remedies the problems raised by the complaint.” *See* Rule 11(e); Rule 11(d)(2). Therefore, this aspect of the complaint is subject to conclusion under 28 U.S.C. § 352(b)(2) (a chief judge may “conclude the proceeding if the chief judge finds that appropriate corrective action has been taken or that action on the complaint is no longer necessary because of intervening events”).

An order dismissing the complaint in part and concluding the complaint in part is entered simultaneously herewith.


JENNIFER WALKER ELROD
Chief Judge

Judicial Council for the Fifth Circuit

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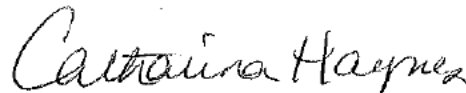
IN RE COMPLAINT OF [REDACTED]
AGAINST [REDACTED]
[REDACTED]

UNDER THE JUDICIAL IMPROVEMENTS ACT OF 2002.

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 Chief Judge Jennifer Walker Elrod, filed July 24, 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