

**FILED**

August 7, 2025

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Number: 05-25-90068

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

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## ORDER

Complainant, a pro se litigant, has filed a complaint alleging that the subject United States Magistrate Judge’s conduct in two pending civil cases “was marked by retaliatory and unfair treatment” and “personal bias and prejudice against me.” In support, Complainant alleges:

- “The consistency and swiftness” of the judge’s recommendations in both cases that Complainant’s claims should be dismissed “reflect a bias against me and my claims. It appeared that as soon as my cases landed on [the judge’s] docket, their fate was sealed against me.”
- The judge’s adverse recommendation in Case 2 “was retaliatory, stemming from my persistence in [Case 1],” i.e., “after her recommendations to dismiss, I exercised my right to file objections (which included pointing out errors and perceived unfairness).” Complainant claims that the judge “retaliated” by “act[ing] even more aggressively to terminate [Case 2] —raising a jurisdictional issue sua sponte and moving to dismiss the case before defendants were even served ... because, in her view, the case didn’t belong in federal court at all. The timing and severity of her actions ... suggest a possible punitive intent[.]”

- “[The judge’s] management of both cases deprived me, as a pro se litigant, of the normal opportunities to present my case, which reflects prejudicial treatment.” For example, the judge prematurely “canceled the scheduled initial pretrial conference” in Case 1 “immediately when she issued her dismissal recommendation,” and “rather than granting” Complainant’s motion to serve the defendants at an alternative address in Case 2, the judge “focused on dismissing the case.”
- “Throughout [the judge’s] written opinions [sic], her choice of words and tone suggest that she did not approach my filings with an open or neutral mind.” For example, in Case 1, the judge “used emphatic phrases indicating that my claims were obviously lacking,” “stat[ed] I ‘repeatedly’ cited cases that did not support my position,” “implied my allegations were so weak that even taken as true they fell short of any viable cause,” and “I felt talked down to and as though by case was being ridiculed between the lines.” In Case 2, the judge “indirectly labeled my complaint ‘insubstantial’ or ‘frivolous’ in jurisdictional terms ... [and], while couched in legal reasoning, the effect was to paint my case as not worthy of the court’s time.”
- The judge “treated the defendants (who were represented by counsel) more favorably than me.” For example, in Case 1, a defendant “filed an incomplete motion to dismiss,” but “instead of striking it or ruling against the defendant for this error, [the judge] allowed them to correct their mistake[.] ... I was not offered a chance to correct any pleading issues in either case; every flaw she perceived as immediately fatal. ... [The judge] did not acknowledge any merit in any part of my case, whereas one might

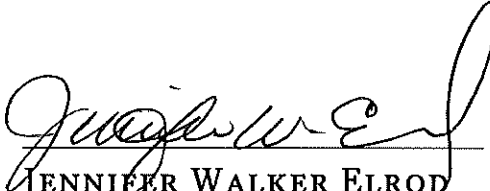
expect at least some claims to be debatable. Her one-sided analysis reads as if she had assumed the defense's perspective entirely."

Complainant concludes that the judge's prejudicial, biased, and retaliatory actions, and her "fail[ure] to afford me fairness or the diligence of considering my cases with an open mind," violated Canon 2A<sup>1</sup> and Canon 3<sup>2</sup> of the Code of Conduct for United States Judges.

These allegations relate directly to the merits of decisions or procedural rulings and are 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 and may not be used to obtain reversal of a decision or a new trial.

The conclusory assertions of prejudice, bias, retaliation, lack of diligence, and punitive intent based solely on adverse rulings 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.

  
JENNIER WALKER ELROD  
*Chief Judge*

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<sup>1</sup> Canon 2A provides: "A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." *See* Guide to Judiciary Policy, Vol. 2A, Ch. 2, at 3.

<sup>2</sup> Canon 3 provides: "A judge should perform the duties of the office fairly, impartially and diligently." *See* Guide to Judiciary Policy, Vol. 2A, Ch. 2, at 5.

**FILED**

October 15, 2025

Lyle W. Cayce  
Clerk

**Judicial Council  
for the Fifth Circuit**

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Complaint Number: 05-25-90068

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IN RE COMPLAINT OF [REDACTED] AGAINST

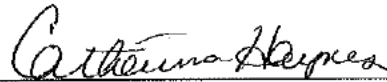
[REDACTED]  
UNDER THE JUDICIAL IMPROVEMENTS ACT OF 2002.

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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 Chief Judge Jennifer Walker Elrod, filed August 7, 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*