

FILED

August 18, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-25-90072

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 Chief United States District Judge.

Complainant, who is the plaintiff in a pending civil case, asserts that the chief judge “fail[ed] to act in response to serious procedural and civil rights violations in my ongoing federal case[.] ... Despite repeated filings that raised clear due process and [Americans with Disabilities Act (“ADA”)] Title II violations including threats to revoke my CM/ECF filing access and sham Rule 26(f) activity conducted by the defense, [the chief judge] has neither acknowledged nor ruled on motions that could have stopped the prejudice that I am facing.” Complainant complains further that the chief judge “failed to ensure reasonable accommodations for my documented disability in connection with filings, hearings, and scheduling, in violation of the ADA and Judicial Conference policy.” Complainant submits that the chief judge’s “inaction has contributed directly to the denial of equal access to justice and the erosion of my procedural rights,” and asserts, contradictorily, that the chief judge “took actions that appear to favor the defendant agency, including allowing repeated improper motions and ignoring clear statutory

mandates, creating the appearance of bias.” Lastly, Complainant alleges that the chief judge permitted “obstruction in the processing of ADA-related and judicial misconduct complaints in this circuit.”

To the extent these allegations are about the chief judge’s action or inaction in the pending civil matter, the chief judge is not the presiding judge in that case. Therefore, this allegation is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii) as frivolous and/or as “lacking sufficient evidence to raise an inference that misconduct has occurred.”

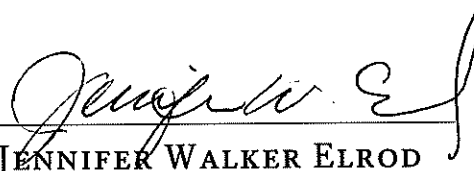
To the extent Complainant is complaining that the chief judge took no action on direct correspondence asking the chief judge “to ensure,” generally, that Complainant be afforded reasonable ADA accommodations as a disabled, pro se litigant in accordance with “the ADA and Judicial Conference policy,” the allegation relates directly to the merits of an administrative decision and is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). *See* Commentary to Rule 4, Guide to Judiciary Policy, Vol. 2, Ch. 3, at 11-12.¹

¹ “Rule 4(b)(1) tracks the Act, 28 U.S.C. § 352(b)(1)(A)(ii), in excluding from the definition of misconduct allegations ‘[d]irectly related to the merits of a decision or procedural ruling.’ ... Any allegation that calls into question the correctness of an official decision or procedural ruling of a judge — without more — is merits-related. The phrase ‘decision or procedural ruling’ is **not limited to rulings issued in deciding Article III cases or controversies**. Thus, a complaint challenging the correctness of a chief judge’s determination to dismiss a prior misconduct complaint would be properly dismissed as merits-related — in other words, as challenging the substance of the **judge’s administrative determination to dismiss the complaint** — even though it does not concern the judge’s rulings in Article III litigation. Similarly, an allegation that a judge incorrectly declined to approve a Criminal Justice Act voucher is merits-related under this standard.” [Emphasis added.]

The conclusory allegations of bias and obstruction 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.”

This is Complainant’s second judicial-conduct complaint within a month to be dismissed as merits-related and conclusory under 28 U.S.C. §§ 352(b)(1)(A)(ii) and (iii). Complainant is WARNED that should he file a further merits-related, conclusory, frivolous, or repetitive complaint, his right to file complaints may be suspended and, unless he is able to show cause why he should not be barred from filing future complaints, the suspension will continue indefinitely. *See* Rule 10(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

An order dismissing the complaint is entered simultaneously herewith.


JENNIFER WALKER ELROD
Chief Judge