

FILED

September 11, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-25-90073

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

ORDER

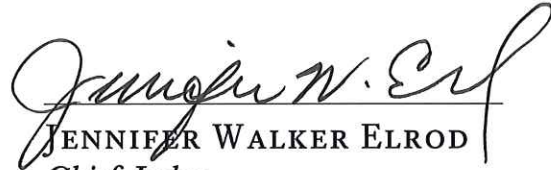
Complainant, a state prisoner, alleges misconduct by a United States Magistrate Judge to whom preliminary matters were referred in Complainant's 28 U.S.C. § 2254 proceeding.

Complainant complains that the magistrate judge's Report and Recommendation recommending denial of his § 2254 petition was "biased," was not "made with the facts and conclusions of law in mind" and, by "refusing to mention or correct ... [criminal] acts committed by the lower court," the magistrate judge was "attempting to aid the lower trial court in its deprivation of rights under color of law." Complainant states that his conviction "should be reversed and a judgment of acquittal should be entered."

These allegations relate directly to the merits of decisions or procedural rulings and are 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 assertion of bias is 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