United States Court of Appeals
Fifth Circuit
FILED
September 19, 2025
Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-25-90079

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 proceeding.

Complainant alleges that the magistrate judge has engaged in conduct that violates Canons 1-3 of the Code of Conduct for United States Judges.[1] Specifically, Complainant alleges the magistrate judge violated Canon 1 "by issuing rulings outside her jurisdiction and selectively favoring the Defendant," violated Canon 2 by "prioritiz[ing] the Defendant's concerns," and violated Canon 3 by "fail[ing] to perform her duties by issuing rulings without adequate review of the record or adherence to statutory limitations."

In support of these claims, Complainant alleges that the magistrate judge engaged in "jurisdictional overreach and undermine[d] the procedural integrity of the case." For example:

[1] Canon 1 provides that "a judge should uphold the integrity and independence of the judiciary." Canon 2 provides that "a judge should avoid impropriety and the appearance of impropriety in all activities." Canon 3 provides that "a judge should perform the duties of the office fairly, impartially and diligently." *See* Guide to Judiciary Policy, Vol. 2A. Ch. 2.

- The magistrate judge has issued "dispositive" rulings in violation of 28 U.S.C. § 636(b)(1)(A).
- By continuing to enter rulings, the magistrate judge has "contradicted" her statement made during a January 2025 hearing that the district judge "would rule on motions filed in the case."

Complainant further claims that the magistrate judge demonstrated "selective favoritism" towards the defendant, failed to impartially and fully address Complainant's filings and objections, and engaged in "procedural obstruction." For example:

- The magistrate judge "accepted the Defendant's [response] … to [my] First Request for Production and First Set of Interrogatories" even though the response did not comply with the Federal Rules of Civil Procedure and, "[i]n doing so, [the magistrate judge] provided the Defendant with yet another extension, further delaying resolution of [my] valid discovery requests and creating procedural prejudice."
- During the January 2025 hearing, the magistrate judge "admitted … that she had not fully reviewed all discovery materials before issuing rulings," dismissed [my] written objections and demanded verbal specificity, ignoring [my] comprehensive submissions," and "enforced an email communication limitation" between the parties and by "improper handling of procedural disputes."
- The magistrate judge took no action when defense counsel violated the email communication limit.
- The magistrate judge terminated two of Complainant's motions as moot "despite these motions being directly related to ongoing procedural disputes. This ruling reflects a failure to fully consider the merits of my filings and further demonstrates an ongoing pattern of dismissive and prejudicial conduct."

– The magistrate judge "ignored or dismissed without substantive consideration … [my] supplemental filings and motions to compel" and "prioritized the Defendant's personal and professional conflicts in amending case deadlines but dismissing my concerns about prejudice."

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 and may not be used to obtain reversal of a decision or a new trial.

The conclusory assertions of lack of diligence and bias in favor of the defendants 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 W. Elrod

JENNIFER WALKER ELROD
Chief Judge