

FILED

September 19, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-25-90080

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 District Judge in a pending civil proceeding.

Complainant complains that the judge violated Canons 2 and 3 of the Code of Conduct for United States Judges.¹ For example, Complainant claims that the judge: violated Canon 2 by issuing an order containing “factual misrepresentations”; violated Canons 2 and 3 by “accepting” the defendants’ “blatant falsehoods”; violated Canon 3(A)(4) by holding an initial conference in Complainant’s absence and by dismissing her claims “without properly considering critical filings, documentary evidence, and legal standards”; and violated Canon 3(A)(5) by unduly delaying entering an order.

¹ 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.” Canon 3(A)(4) provides that “judges must accord to every person who is legally interested in a proceeding, and that person’s lawyer, the full right to be heard according to the law.” Canon 3(A)(5) provides that “judges shall dispose of all judicial matters promptly, efficiently, and fairly.” See Guide to Judiciary Policy, Vol. 2A. Ch. 2.

In support, Complainant alleges that the judge:

- “severely prejudiced my case” by failing “to address [the defendants’] discovery abuses”;
- failed to “acknowledge or address” Complainant’s response to the defendant’s motion to dismiss and her Notice of Unavailability;
- held the initial conference “in [my] absence, despite [my] prior Notice of Unavailability”;
- “grossly neglected his judicial duty” by failing to properly scrutinize the defendants’ motion to dismiss which contained “false statements, misleading information, and misrepresentation,” and thereby engaged in “systemic corruption and judicial complicity—shielding fabricated evidence and violation of constitutional rights”;
- entered final judgment without “properly review[ing] or consider[ing] [my] filings,” i.e., “improper rubber-stamping of [defendants’ proposed] orders”; and
- improperly “continued to exercise jurisdiction” by denying her Motion for Reconsideration seven months after the case was closed, and the order “contained materially false statements about [my] procedural conduct and ignored the record.”

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 assertion of bias in favor of the defendants 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.”

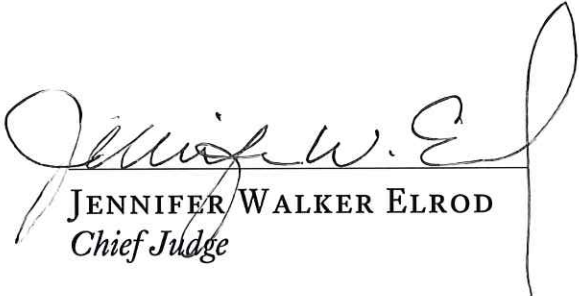
Complainant further complains that the judge unduly delayed ruling on her Motion for Reconsideration, i.e., the order was entered seven months after the motion became ripe for consideration.

Pursuant to Rule 4(b)(2) of the Rules For Judicial-Conduct and Judicial-Disability Proceedings, an allegation about delay in rendering a decision or ruling is not cognizable misconduct “unless the allegation concerns an improper motive or habitual delay in a significant number of unrelated cases.” As Complainant does not allege the former, and there is no evidence of the latter, the allegation is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

Complainant also complains that an order entered by the judge on April 1, 2025 “was not mailed until May 6, 2025, and was not received until May 14, 2025.” She asserts that the delay was “a serious procedural irregularity that prejudiced my ability to respond and protect my rights” and constitutes further evidence of “judicial neglect and prejudice.”

Complainant does not present any evidence that the judge was directly responsible for the alleged delay in mailing the order, a responsibility typically handled by the clerk’s office. Regardless, the alleged delay referenced by Complainant is insufficient “to raise an inference that misconduct has occurred” and this allegation is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

An order dismissing the complaint is entered simultaneously herewith.


JENNIFER WALKER ELROD
Chief Judge