

FILED

October 1, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-25-90082 and 05-25-90083

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

ORDER

Complainants, two pro se litigants, have filed a complaint alleging misconduct by a United States District Judge and a United States Magistrate Judge in a civil proceeding.

Complainants allege that the district judge and the magistrate judge engaged in a litany of “egregious and serious misconduct,” including “fraud upon the court,” “violation of due process (Fifth Amendment) and equal protection (Fourteenth Amendment),” “denial of access to courts (First Amendment),” “intentional suppression of meritorious motions,” “prejudicial rulings,” “willful enabling of defense counsel’s fraudulent conduct,” and “discriminatory abuse based on age, disability, and race.” For example:

- The magistrate judge colluded with defense counsel who, in removing the case to federal court, “unlawfully shopped” for the case to be assigned to her.
- The magistrate judge held an improper ex parte hearing on the defendant’s “fake” motion for contempt. Contrary to this claim, a review of the docket reflects that: all parties were notified when the motions hearing was set; Complainants moved to vacate the

order setting the hearing, claiming that the magistrate judge prejudicially “fast-tracked” the hearing because the motions for contempt and for sanctions were “beneficial to the defense”; and Complainants failed to appear for the hearing.

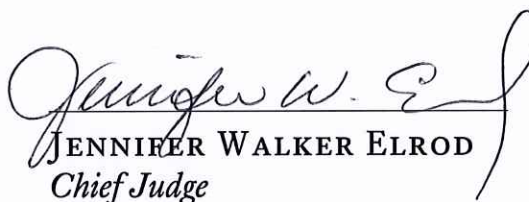
- The district judge was complicit in the magistrate judge’s misconduct because he “overruled [our] de novo review request and denied the Motion to Recuse [the magistrate judge],” and adopted the magistrate judge’s Report and Recommendation which “included a fabricated contempt ruling with no hearing or legal grounds.”
- The district judge was required to rule on Complainants’ November 2024 motions for injunctive relief and for a temporary restraining order “within 14 days,” but has never done so. Contrary to this claim, the docket reflects that the motions, which became ripe for consideration in mid-December 2024, were denied as frivolous, duplicative, or harassing by the district judge on January 31, 2025.
- As part of a “dismissal plot,” the district judge and the magistrate judge “suppressed”—i.e., “refused to rule on”—twelve motions filed by Complainants. Contrary to this claim, the docket reflects that the magistrate judge denied eight of those motions in November 2024, and the district judge denied the remaining four motions in January 2025.
- The district judge and the magistrate judge engaged in “targeted, malicious, and discriminatory” conduct by issuing “insulting” orders against the plaintiffs, i.e., admonishing Complainants for filing frivolous motions.

- “Without ever hearing [our] claims,” the district judge dismissed the case with prejudice, and granted the defendant’s “fraudulent” motions for contempt and for sanctions.
- The district judge’s “final order was issued after the case was already on appeal—a blatant jurisdictional violation.”

To the extent these allegations are “directly related to the merits of a decision or procedural ruling,” they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). The complaint procedures in 28 U.S.C. §§ 351-364 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.¹

The conclusory assertions of procedural fraud, prejudice, colluding in “judge shopping,” and conspiring with the defendants and defense counsel 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 WALKER ELROD
Chief Judge

¹ Complainants also complain that their motion to remand was “denied without hearing” and the defendant was permitted to file an amended answer “in violation of procedure.” However, the United States District Judge who entered those orders is not identified as a subject of the complaint. Regardless, if filed, the allegations would be subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii) as “directly related to the merits of a decision or procedural ruling.” To the extent Complainants allege that a United States Bankruptcy Judge “was also involved in suppressing our rights and illegally dismissing our bankruptcy,” those allegations cannot be considered because that judge is not named as a subject of the complaint and Complainants have not identified the relevant case or provided sufficient information in support of their claims.