

FILED

October 6, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-25-90084

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

ORDER

Complainant X (an attorney) and Complainant Y (her husband) have filed a complaint alleging misconduct by a United States District Judge in several civil proceedings. Complainants further allege that the judge has issued orders that demonstrate “mental [in]capacity.”

Pursuant to Rule 25(f) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings (“JC&D Rules”), this matter has been assigned to me for consideration.

Background

Complainant X previously filed a complaint alleging misconduct by the same judge in three civil cases in which she represented the plaintiffs, and in two “personal cases” filed Complainants. The complaint was dismissed as merits-related, conclusory, and frivolous under 28 U.S.C. §§ 352(b)(1)(A)(ii) and (iii). Noting that “extensive record review was required to evaluate [Complainant X’s] copious conclusory allegations,” the order admonished Complainant X that, as an attorney, she should know “the standards for stating a viable claim of judicial misconduct” and should also be “aware that any court filing must be based on good faith and a proper

factual foundation.” See *In re Complaint of Judicial Misconduct*, 550 F.3d 769 (9th Cir. 2008).

Rather than heed this admonition, Complainants have filed a second complaint replete with conclusory allegations, the parsing of which has required extensive record review.

Allegations

Failure to disqualify sua sponte and retaliatory conduct in “personal case”

In their initial statement of facts, Complainants complain that ever since Complainant X filed the first complaint, the judge has harbored “animosity against [us]” and has “inflicted a retaliation from behind the robe and authority like none known.” For example, Complainants claim the judge intentionally did not disqualify himself sua sponte “from any personal case of [ours], especially the very case that caused the first complaint.”

Noting that Rule 6(b) of the JC&D Rules requires complainants to provide specific information in support of their claims, the Clerk asked Complainants to submit a supplemental statement of facts specifying the “personal case(s)” and identifying rulings and/or hearings relevant to this claim. Because Complainants’ supplemental statement of facts failed to specify the relevant case(s) and rulings/hearings, these allegations 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.”

Retaliatory conduct and evidence of mental incapacity in other cases

Complainants complain that the judge’s “animosity” is also evident in his alleged retaliatory conduct in cases in which Complainant X is plaintiffs’ counsel. In support, Complainants have submitted copies of orders entered on May 15, 2025, granting the defendants’ motions for summary judgment two civil cases. Complainants claim:

- the orders “were not submitted timely of the dates the orders were filed”;
- the orders “has [sic] nearly the exact same language and [sic] signed by [the judge] on the same date, which shows the court failed the task of representing the facts separately”;
- the orders did not “stat[e] what kind of orders the orders are, e.g., partial or final,”
- the judge “attempt[ed] to get the plaintiffs’ lawyer to argue with the court about his order[s] ..., such argument is supposed to be reserved for Appeal”;
- “[i]t appears clear that [the judge] is attempting to clear the docket for a temporary stance to attempt to show the higher court that he is clearing motions sitting on the docket by creating some faulty order that [he] knows will only result in the matter coming back to [the district court] in likely 30 days”; and
- these orders “are astonishingly representative of the very ill conduct of retaliation” and are “the result of [the judge’s] mental capacity [sic] to rule fairly in cases.”

The allegation that the May 15 orders “were not submitted timely of the dates the orders were filed” is unintelligible and is therefore 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.”

A cursory review of the orders suggests that the allegation that “the court failed the task of representing the facts separately” is absurd on its face. The summaries of the facts pertaining to each plaintiff’s claims, and the comprehensive analyses of those claims, differ markedly between the two orders.

To the extent these allegations relate directly to the merits of decisions or procedural rulings, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). The conclusory assertions that the judge's rulings constitute evidence of improper motive and mental incapacity are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii) as "lacking sufficient evidence to raise ... inference[s]" of misconduct and judicial disability.

The conclusory assertion that the judge "creat[ed] faulty order[s] ... to show the higher court that he is clearing motions sitting on the docket" is also 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."

Other retaliatory conduct

Complainants also state that, "upon information and belief, [the judge] has spoken with other U.S. District Judges about [Complainant X] in an effort to persuade [sic] [her] from writing in the district court." In support, Complainants have provided a copy of an order entered by another United States District Judge on May 16, 2025, granting the defendant's motion for summary judgment in a case in which Complainant X represented the plaintiff.

Other than asserting, erroneously, that the order was entered on May 15, 2025, i.e., the same date as the subject judge's orders granting the defendants' motions for summary judgment, Complainants provide no explanation of their claim that the judge "spoke to" his colleague (or other district judges) "about [Complainant X] in an effort to [dis]suade [Complainant X] from writing in the district court."

The United States Judicial Conference has held that "Rule 6(b) [of the JC&D Rules] makes clear that the complaint must be more than a suggestion to a Chief Judge that, if he opens an investigation and the investigating body looks hard enough in a particular direction, he might uncover misconduct. It must contain a specific allegation of misconduct

supported by sufficient factual detail to render the allegation credible.” See *In re Memorandum of Decision of Judicial Conference Committee on Judicial Conduct and Disability*, 591 F.3d 638, 646 (U.S. Jud. Conf. Oct 26, 2009).

Because Complainants have not provided the kind of objectively verifiable proof required to raise an inference that misconduct has occurred, this allegation is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

Abuse of complaint procedure

Despite the admonition issued to Complainant X in the order dismissing her prior judicial misconduct complaint, and despite the Clerk’s recent advice to Complainants that Rule 6(b) requires complainants to provide specific information in support of their claims, Complainants submitted a complaint that again falls well short of “the standards for stating a viable claim of judicial misconduct.”

This conduct constitutes an abuse of the complaint process. Complainants’ right to file complaints, jointly and individually, is hereby SUSPENDED pursuant to Rule 10(a). Complainants may show cause, through a petition for review submitted pursuant to Rule 18, why their right to file further complaints should not be so limited.

An order dismissing the complaint is entered simultaneously herewith.


EDITH H. JONES
Circuit Judge