

FILED

October 2, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-25-90085

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 civil proceeding.

Complainant complains that, in violation of Complainant's First and Fourteenth Amendment rights, the judge: "permitted procedural obstruction by failing to ensure proper service of summons by the Clerk of Court"; "improper[ly] denied [Complainant's] application to proceed in forma pauperis" and thereby "demonstrate[d] deliberate obstruction of access to justice"; failed to grant Complainant's motion to recuse; "failed to apply or acknowledge federal jurisdiction" over the "properly removed" case; and "prematurely ruled that my case was 'moot'." Without providing any information in support of the claim, Complainant also complains that in contrast to his "prior inaction," the judge's "sudden shift to a swift denial of [my] most recent motion appeared strategic and retaliatory."

Complainant concludes that the judge's "actions reflect a pattern of bias, retaliation, and obstruction of justice in a case involving protected disclosures and ongoing violations of federal ... and international law" in

violation of Canons 1, 2, and 3 of the Code of Conduct for United States Judges.¹

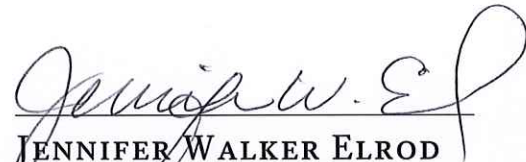
These allegations relate directly to the merits of decisions or procedural rulings and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). The complaint procedures in 28 U.S.C. §§ 351-364 are not a substitute for the normal appellate review process and may not be used to obtain reversal of a decision or a new trial.

Regarding the allegation of “inaction,” a review of the docket reflects that the judge adopted the magistrate judge’s recommendation to deny Complainant’s IFP application six weeks after it was 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 complaint is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

The conclusory assertions of bias and retaliation—including the assertion the judge ruled too swiftly on some motions—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.”

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.

An order dismissing the complaint is entered simultaneously herewith.



JENNIFER WALKER ELROD
Chief Judge