

**FILED**

October 2, 2025

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Numbers: 05-25-90086 and 05-25-90087

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

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## ORDER

Complainant, a state prisoner, has filed a complaint alleging misconduct by a United States District Judge and a United States Magistrate Judge in Complainant's 28 U.S.C. § 2254 proceeding.

Complainant complains the district judge and the magistrate judge should have recused themselves sua sponte for conflict of interest because: they had prior "knowledge of all the evidence in [my] criminal case" from serving on Complainant's 42 U.S.C. § 1983 action against the state judges, prosecutors, and law enforcement officers involved in Complainant's state criminal proceeding; and they had demonstrated bias against him through adverse rulings in that case and another 42 U.S.C. § 1983 matter.<sup>1</sup> Complainant further complains that the magistrate judge improperly denied motions to recuse himself.

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

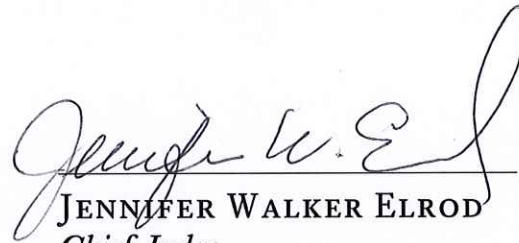
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<sup>1</sup> A review of the docket in the second § 1983 case reflects that it was assigned to a different United States District Judge.

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 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.”

An order dismissing the complaint is entered simultaneously herewith.



JENNIFER WALKER ELROD  
*Chief Judge*

# Judicial Council for the Fifth Circuit

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Complaint Nos: 05-25-90086 and 05-25-90087

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IN RE COMPLAINT OF [REDACTED]  
AGAINST [REDACTED]

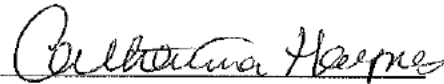
UNDER THE JUDICIAL IMPROVEMENTS ACT OF 2002.

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## ORDER

An Appellate Review Panel of the Judicial Council for the Fifth Circuit has reviewed the above-captioned petition for review, and all the members of the Panel have voted to affirm the order of Chief Judge Jennifer Walker Elrod filed October 2, 2025, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The order is therefore AFFIRMED.



Catharina Haynes  
*United States Circuit Judge*  
*For the Judicial Council of the Fifth Circuit*