

FILED

October 2, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-25-90088

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 Canons 2 and 3 of the Code of Conduct for United States Judges,¹ the judge: denied Complainant's motion to remand without providing him "the opportunity to be heard" after the defendants filed a response in opposition to that motion; granted the defendants' motion to consolidate the instant case with another civil case "without addressing [Complainant's] opposition and while dispositive motions remained pending"; and denied Complainant "CM/ECF access throughout the period, causing severe hardship." Regarding the order denying his second motion for leave to file electronically, Complainant reports that the docket entry "was timestamped and docketed by the case manager ... at 10:44PM on June 24" which, he asserts, constitutes evidence that "the case manager, on behalf of the court, issued procedural rulings outside of the public docket." Complainant also submits that "the timing of

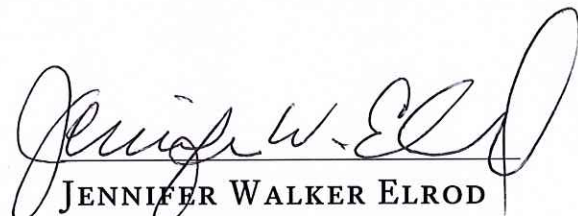
¹ Canon 2 provides that "a judge should avoid impropriety and the appearance of impropriety in all activities." Canon 3 provides that "a judge should perform the duties of the office fairly, impartially and diligently." See Guide to Judiciary Policy, Vol. 2A. Ch. 2.

judicial actions indicates potential coordination ... between chambers and opposing counsel ... to prevent higher court oversight.”

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.

The conclusory assertions of intentional procedural irregularities, ex parte communication, and obstruction of appellate review 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