

**FILED**

October 8, 2025

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Number: 05-26-90001

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

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## ORDER

Complainant, a pro se litigant, has filed a complaint alleging misconduct by a United States District Judge in two civil proceedings.

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.

### *Case 1*

Complainant, a "62-year-old black American," complains that the judge "intentionally ignored the jurisdictional conflict rather than remanding the case back to the state court," "granted summary judgment in favor of the wealthy white defendants," and "arbitrarily dismissed the black plaintiff's case one week prior to the start of trial and without hearing or affording the plaintiff opportunity to respond in objection." Contrary to the latter claim, the record reflects that: in May 2023, the defendants filed a motion for summary judgment and Complainant, through counsel, filed a response in opposition; the order granting summary judgment was entered 26 days prior to the scheduled jury trial and did not dismiss the case in its entirety; and final judgment was entered nine months later.

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 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 racial and socioeconomic bias 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.”

Complainant also alleges that despite being authorized to use CM-ECF after his attorney died and he was granted leave to proceed pro se, “I was never granted access to the PACER system to monitor my case filings, and I had no means of being electronically notified.” Complainant states that due to this lack of access to CM-ECF, he did not receive the order entered in September 2024 dismissing the case for lack of jurisdiction, and only found out about the order in June 2025. Noting that the court had a “current mailing address, telephone number, and email address on record at all times following my transition to pro se status,” Complainant complains that the failure to notify him that the case was dismissed was “a deliberate act intended to prevent me from filing a timely appeal and to shield the court’s biased actions from appellate review.”

The transmission of notifications of docketing activity is typically the responsibility of clerk’s office personnel, not judges. Regardless, even if Complainant did not receive notification that his case had been dismissed, he does not present any evidence that the lack of notice was a “deliberate act” attributable to the judge, and the allegation 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.”

#### *Case 2*

Complainant complains that in violation of Canon 3(B)(5),<sup>1</sup> the judge failed “to review the administrative duties of the magistrate judge under

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<sup>1</sup> Canon 3(B)(5) provides that “a judge with supervisory authority over other judges should take reasonable measures to ensure that they perform their duties timely and effectively.” See Guide to Judiciary Policy, Vol. 2A, Ch. 2.

him,” i.e., despite Complainant alerting the court to the magistrate judge’s potential conflict of interest, the judge failed to assess “the full scope of any potential conflict to ensure the fair administration of justice,” and failed to disqualify the magistrate judge, vacate her rulings and recommendations, and appoint a different magistrate judge.<sup>2</sup> Complainant appears to further complain that the judge permitted the magistrate judge to “arbitrarily stay” the case “in furtherance of tactical gain for the government defendant” and, after Complainant was granted leave to proceed pro se, “tactically ... resume the court proceedings “against the now unrepresented black plaintiff.”

Complainant also complains the judge adopted the “void” recommendations of “a constitutionally disqualified magistrate judge,” and “demonstrated his disregard for impartiality concerning a black litigant by unfairly and arbitrarily dismissing [my] civil FTCA case in a manner that is clearly adverse to established law.”

Complainant concludes that the judge’s “deep-rooted racism and race-related bias ... towards black litigants[,] ... in addition to pro-government bias, ... allowed him to become knowingly complicit in [the magistrate judge’s] unfair decision-making conduct,” “ignore every instance of the law,” and render “an arbitrary ruling in favor of the federal government and the white agents involved.”

To the extent these allegations relate directly to the merits of decisions or procedural rulings, it is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). The conclusory assertions of race-related and pro-government bias 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.”

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<sup>2</sup> Complainant has confirmed that the magistrate judge is not a subject of the instant complaint.

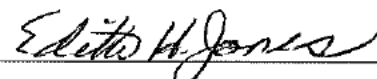
*Other allegations*

Complainant asserts that in unspecified civil cases “involving Black litigants to include but not limited to myself,” the judge’s “rulings exhibit a troubling disregard for the rights and fair treatment of Black litigants (plaintiffs) in civil cases involving government and/or white defendants ... where his racial bias and ethnic related prejudice in his personal beliefs, opinions, or experiences appears to improperly influence his judicial decision-making process.”

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

An order dismissing the complaint is entered simultaneously herewith.

  
EDITH H. JONES  
Circuit Judge

# Judicial Council for the Fifth Circuit

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Complaint Number: 05-26-90001

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IN RE COMPLAINT OF [REDACTED] AGAINST  
[REDACTED]

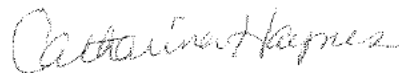
UNDER THE JUDICIAL IMPROVEMENTS ACT OF 2002.

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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 Judge Edith H. Jones, filed October 8, 2025, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The order is therefore AFFIRMED.



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