

FILED

October 28, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90004

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 in which Complainant is the Plaintiff.

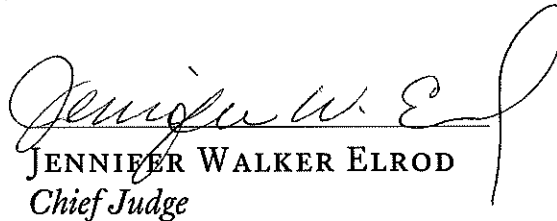
In his complaint, Complainant contends that though his case was opened in October of 2023, the judge “has failed to assign [the] case to a magistrate judge to conduct basic preliminary screening.” Complainant further alleges that an unidentified F.B.I. agent informed him that “S.A.I.C. ... personally called [the judge] and requested that [the judge] postpone preliminary screening” of Complainant’s case. Complainant states that this F.B.I. agent also advised him that the judge has not had his case screened “in an effort to allow [the] F.B.I. time to destroy evidence before being officially served” with his complaint. In support of his claim, Complainant notes that the two other cases that he filed in the same court were also assigned to the judge and were promptly screened.

Rule 4(b)(2) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings (“JC&D Rules”) provides that “[c]ognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless

the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” While Complainant’s allegation is an allegation of delay, his complaint is not subject to dismissal under Rule 4(b)(2) because it “concerns an improper motive in delaying a particular decision”—namely, that the judge improperly delayed having his case screened for the purpose of allowing the F.B.I. to destroy information relevant to the case.

However, Complainant provides no support for this allegation of delay other than stating that an unnamed F.B.I. agent provided him with this information. Accordingly, his complaint 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.”¹

The complaint is DISMISSED.


JENNIFER WALKER ELROD
Chief Judge

¹ After this misconduct complaint was filed, the judge dismissed Complainant’s civil complaint, rendering this aspect of the complaint alternatively subject to conclusion under 28 U.S.C. § 352(b)(2) because “appropriate corrective action has been taken or action on the complaint is no longer necessary because of intervening events.”