

FILED

October 15, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-26-90005 and 05-26-90006

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 and a United States Magistrate Judge in a civil proceeding.

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.

Complainant that the district judge and the magistrate judge engaged in “a sustained pattern of prejudicial conduct, procedural neglect, and apparent bias.”

For example, Complainant complains that the magistrate judge:

- “denied me an evidentiary hearing”;
- “denied or failed to act upon multiple well-supported motions for protective orders, subpoenas, and emergency relief without conducting an evidentiary hearing”;
- “ignored medical evidence”;
- “ignored constitutional objections”;
- “failed to docket or transmit critical evidence”;

- failed to “address” or “reference” some filings “in recommendations or orders”; and
- after Complainant notified the court that a judicial misconduct complaint “has been or will imminently be submitted,” retaliated by issuing a 17-page Report and Recommendation “recommending dismissal of all claims without fair review,” “calling my constitutional claims ‘frivolous’,” and “cop[ying] language from defense briefs and falsely claim[ing] I submitted no evidence.”

Complainant complains that the district judge:

- denied three motions for default judgment and failed to rule on numerous subsequent motions for default judgment, and thereby improperly “dismissed claims against defendants who were properly served”;
- summarily “denied my motion for recusal and accused me of ‘judge shopping’”; and
- “prohibited [me] from e-filing” and thereby “creat[ed] undue barriers for a pro se litigant under active threat.”

Complainant further complains that the district judge’s orders accepting the magistrate judge’s Report and Recommendation, enjoining Complainant from filing any document other than an amended complaint, and instructing the clerk to accept only documents filed by Complainant in person or by mail, were retaliatory, i.e., the orders were “uploaded” on May 1, 2025, “shortly after my attempted submission of multiple pleadings ... including a Motion to Disqualify, filings related to fraud upon the court, and a declaration outlining evidence of clerical misconduct.” Complainant asserts that these “pre-prepared court orders” constitute evidence of “deliberate and targeted obstruction, issued in anticipation of my filings, and

without judicial neutrality.” These claims are contradicted by the docket which reflects that the orders at issue were entered April 30, 2025.

Complainant also complains that the district judge “then used these orders to effectively dismiss my claims across the board, with language that improperly attempts to coerce me into amending rather than appealing, challenging misconduct, or preserving my claims through Rule 60(d)(3).” In addition, Complainant complains that the district judge ordered that documents Complainant submitted via the court’s electronic document submission system “in good faith to preserve appellate rights” be stricken from the record, and that exhibits he submitted on June 17, 2025 “were not included in the Electronic Record on Appeal ... despite their necessity for resolution of the claims.” Contrary to this claim, a review of the appellate docket which reflects that Complainant’s motions to supplement the record, and 85 accompanying exhibits, are in the Electronic Record on Appeal.

Finally, Complainant complains that “on multiple occasions, ... [the district judge] has inserted the term ‘(my)’ within docket text or attached orders in a manner that appears to serve no legal purpose but instead to harass, provoke, and assert personal dominance over [me]. The repeated use of this possessive language appears contextually linked to references to female persons associated with [me], and such usage has no place in judicial documents. It is degrading, abusive, and improper[.]”

The creation of docket entries is typically the responsibility of clerk’s office personnel or chamber’s staff, not judges, and the individual who creates the entry includes their initials in parentheses.

Complainant concludes that in violation of Canons 1-3 of the Code of Conduct for United States Judges,¹ the district judge and the magistrate judge:

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

- suppressed and disregarded critical evidence;
- denied or ignored “emergency motions and requests for protection ... without providing hearings or substantive review, in violation of my due process rights;
- “actively stripp[ed] filings from the docket”;
- “use[d] dismissive, retaliatory, and delegitimizing language,” e.g., “described my claims as ‘frivolous,’ ‘fanciful and delusional,’ or ‘lacking any factual basis’”;
- “engaged in what appears to be ex parte coordination with institutional defendants”;
- “concealed misconduct by the defendants”;
- “blocked any meaningful review”; and
- “deprived me—a pro se litigant—of meaningful access to the courts and enabled extrajudicial retaliation against my protected activities.”

To the extent these allegations relate directly to the merits of decisions or procedural rulings, the complaint is 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 bias, retaliation, intentionally “dismissive and delegitimizing language,” concealment of misconduct by the defendants, and “ex parte coordination with institutional defendants” 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.” The assertion that the inclusion of “(my)” in clerical docket entries constituted

the duties of the office fairly, impartially, and diligently.” *See* Guide to Judiciary Policy, Vol. 2A. Ch. 2.

judicial harassment and abuse of Complainant is subject to dismissal as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii).

An order dismissing the complaint is entered simultaneously herewith.



JERRY E. SMITH
Circuit Judge

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-26-90005 and 05-26-90006

IN RE COMPLAINT OF [REDACTED]
AGAINST [REDACTED]
AND
[REDACTED]

UNDER THE JUDICIAL IMPROVEMENTS ACT OF 2002.

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 Jerry E. Smith filed October 15, 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