

October 27, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90007

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 [“Judge A”] in two civil proceedings.

Case 1

Complainant complains that Judge A:

- denied Complainant’s motion to appoint counsel because she never intended “to take the case to a jury trial,” a decision Complainant implies was politically motivated;¹
- engaged in “obstruction of justice and prevent[ed] [me] from having due process and relief” by failing to ensure that a summons was served on a second defendant;
- erroneously and improperly granted the defendant’s motion to extend scheduling order deadlines, including vacating a trial date, resulting in a delay in the proceedings beneficial to the defendant;

¹ For example, Complainant states: “Why did [Judge A] deny court-appointed legal representation? What was the agenda the entire time? [Judge A’s] political affiliation is to the far-right Republican Party and [I] ran for elected office in the [local] Democratic Primary ... [and] as a Write-In Candidate in the [local] County General Elections.”

- in denying reconsideration of the order granting the extension, treated Complainant in a demonstrably egregious and hostile manner by “assum[ing] that the defendant served [me] with the [Motion for Extension of Time to File Answer] when in reality he did not”; and
- denied (without prejudice to refiling) Complainant’s Motion for a Protective Order because Complainant failed to comply with the local rules, but Judge A took no action on the “bad faith actions and unprofessional courtesy [sic] towards [me]” when the defendant/defense counsel failed to comply with the Court’s Standing Order Regarding Motions for Summary Judgment.

Complainant appears to further complain that in retaliation for her reporting Judge A’s allegedly improper conduct in Case 1 to the United States Department of Justice (“DOJ”), Judge A intentionally delayed ruling on the defendant’s motion to dismiss until four months after it was ripe for consideration and denied Complainant’s application to proceed in forma pauperis (“IFP application”).

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 political and retaliatory motives and 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 complains that Judge A:

- “had no intention of accepting the case until she was forced to by the [DOJ]”;

- engaged in improper ex parte communication with defense counsel who “was allowed to be in instant communication with the court and the mediator, which displays a conflict of interest and favoritism towards him,” i.e., “this was a telephonic communication between Defendant’s counsel and the District Court”; and
- retaliated against Complainant for filing the DOJ complaint by engaging in ex parte communication with judges “in [my] other civil cases,” e.g., on the same date Judge A closed Case 1, another United States District Judge [“Judge B”] entered an order vacating a scheduling order in one of Complainant’s other cases.²

“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).

Despite being afforded an opportunity to provide additional information in support of these claims, Complainant has not provided the kind of specific factual detail required to raise an inference that misconduct has occurred. These allegations are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

Case 2

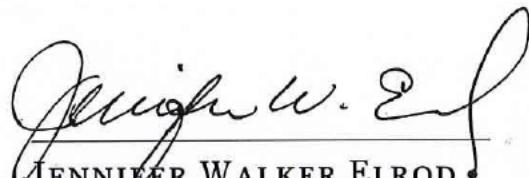
Complainant complains that in denying her IFP motion, Judge A “refuse[d] to be empathetic about [my] current financial situation.” Complainant further complains that in retaliation for her reporting Judge A’s

² Complainant has not identified Judge B as a subject of the instant complaint.

improper conduct in Case 1 to the DOJ, Judge A entered adverse rulings,³ delayed ruling on the defendants' motions to dismiss, stayed discovery and all other pretrial deadlines pending a ruling on the motions to dismiss, and denied Complainant's motion to lift the stay. Complainant also appears to complain that Judge A's delay in ruling on the motions to dismiss helps the defendants whose aim is to "prolon[g] the case to engage in more election fraud and violations," but it is unclear whether Complainant is alleging intent on Judge A's part.

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 conclusory assertions of retaliatory and political motives and retaliatory delay 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

³ For example, Judge A: denied Complainant's IFP application; quashed summonses issued by the Clerk as premature because Complainant had not paid the filing fee; ordered Complainant to show cause why she had failed to comply with the court's orders to pay the filing fee; and cautioned Complainant that she might be subject to sanctions if she filed further "personal attacks on the motivations of the presiding judge."

Judicial Council for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

February 2, 2026

Lyle W. Cayce
Clerk

Complaint Number: 05-26-90007

IN RE COMPLAINT OF [REDACTED]

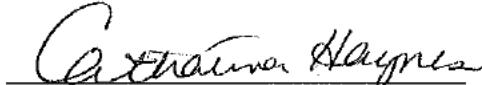
AGAINST [REDACTED]

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 Chief United States Circuit Judge Jennifer Walker Elrod, filed October 27, 2025, dismissing the Complaint of [REDACTED] against [REDACTED] [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