

FILED

November 3, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-26-90012 through 05-26-90015

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

ORDER

Complainant, a state prisoner, alleges misconduct by a United States District Judge, two United States Magistrate Judges (“Magistrate Judge A” and “Magistrate Judge B”), and a former United States Magistrate Judge (“Magistrate Judge C”) in a 42 U.S.C. § 1983 proceeding filed by Complainant in 2017.¹

Complainant complains that in adopting Magistrate Judge C’s recommendations, the district judge:

- “intentionally ignored” Complainant’s objections to “errors, ... false dates, fraud statements, and misrep[re]sentations of the case & claims” in the recommendations, including the “false date of the month” that “would interfere with” Complainant’s claims, and “grant[ed] [in part] summary judgment unlawfully to these defendants”;
- “interfere[d] with the trial” by ordering the clerk to rename a defendant in the docket sheet and the style/caption of the case,

¹ On the complaint form, Complainant lists two 2019 cases in which misconduct allegedly occurred, but Complainant’s statement of facts includes no discernible allegations of misconduct in either case.

and thereby “remov[ing] [the defendant’s] ranking title ... which frustrate[d] the aw[are]ness of his knowledge ... [and] impeded the trial to unlawful verdict”;

Complainant concludes that the district judge’s intention was “to conceal & cover up to deprive federal law rel[ie]f” and “conceal and block any information that would be able to be brought to the awareness of appeal.”

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 assertion of improper motive 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.”

Complainant complains that Magistrate Judge A improperly consolidated Complainant’s two 42 U.S.C. § 1983 suits arising out of the same set of facts. He complains further that despite being aware of Complainant’s physical and mental disabilities, Magistrate Judge A engaged in “intent[ional] discrim[ination] against my disability rights” by denying a motion to appoint counsel to represent Complainant because the court had already appointed counsel. Although the record includes a copy of a notice of consent to proceed before a magistrate judge signed by Complainant’s counsel and defense counsel, Complainant also complains that Magistrate Judge A: held the trial “without my consent or knowledge”; “conceal[ed] the protection of the [Americans with Disabilities Act] ... from the jury instructions [to] intentionally reduce the likel[i]hood of rel[ie]f”; and did so in retaliation for Complainant’s naming the district judge and Magistrate Judge C as defendants in a 2019 case.² In addition, Complainant complains that “to conceal the abuse of power ... [and] these hate crimes against my

² A review of the record contradicts Complainant’s assertion that Magistrate Judge A was named as a defendant in the 2019 case.

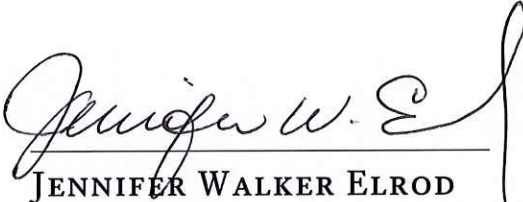
disability rights” from the Fifth Circuit, Magistrate Judge A denied without prejudice Complainant’s motion requesting preparation of the trial transcript at the court’s expense in connection with his appeal. Complainant concludes that Magistrate Judge A’s “interferences violated my equal protection of the law ... in concert with state official[s] to deprive federal law.”

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 intentional discrimination, retaliation, intentional concealment, and conspiracy 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 identifies Magistrate Judge B as a subject of the complaint, but his statement of facts includes no discernible allegations against her. The complaint as to Magistrate Judge B is therefore subject to dismissal as “lacking sufficient evidence to raise an inference that misconduct has occurred.”

To the extent that Complainant alleges misconduct by Magistrate Judge C, retired judges are not subject to complaint procedure in 28 U.S.C. §§ 351-364. As provided by 28 U.S.C. § 352(b)(2), I find that the complaint as to Magistrate Judge C should be concluded because action on the complaint is no longer necessary because of intervening events.

The complaint as to the district judge and Magistrate Judges A and B is DISMISSED, and the complaint as to Magistrate Judge C is CONCLUDED. An unredacted private order is entered simultaneously herewith.


JENNIFER WALKER ELROD
Chief Judge