

FILED

November 5, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90019

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 four of Complainant's cases.¹

Complainant complains that "within 72 hours" of his filing lawsuits against the district judge and a district court clerk's office employee, the magistrate judge issued Reports and Recommendations ("R&Rs") in three cases in which he: recommended dismissal of Complainant's complaints as "frivolous"; recommended, without notice or opportunity to respond, that Complainant be sanctioned as a "vexatious litigant"; referenced Complainant's lawsuits against court staff as "harassment"; and ordered "[s]udden reversal of prior permissive rulings without legal basis."

Complainant further complains that in violation of Canon 2A of the Code of Conduct for United States Judges,² the magistrate judge showed a

¹ Complainant lists two additional cases, but the accompanying statement of facts does not include any specific allegations regarding misconduct by the subject judges in those cases.

² Canon 2A provides that "a judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." See Guide to Judiciary Policy, Vol. 2A. Ch. 2.

“[p]attern of [b]ias” in favor of judicial officers, district court clerks, and staff, “while ignoring [Complainant’s] substantive claims” against them and “disregarding procedural safeguards.” For example, Complainant alleges the magistrate judge described the district court clerk’s office employee’s “conduct as ‘routine administrative functions’ while ignoring sworn evidence of misconduct.”

Complainant also complains that the magistrate judge “caus[ed] or facilitate[ed] premature adoption of R&Rs, denying [Complainant] the 14-day objection period required under FRCP 72(b)(2).”

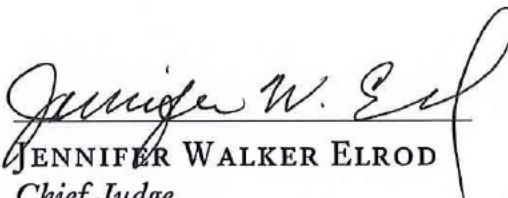
To the extent these allegations relate directly to the merits of decisions or procedural rulings, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). The complaint procedures in 28 U.S.C. §§ 351-364 are not a substitute for the normal appellate review process and may not be used to obtain reversal of a decision or a new trial.

The conclusory assertions of retaliation 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.” Adverse rulings alone do not constitute proof of bias or retaliation.

Complainant also complains that the R&R in the third case was improperly adopted by the “District Judge” before the 14-day objection period expired, violating Complainant’s procedural due process rights. However, because the subject district judge was not the presiding judge in the third case, this allegation is subject to dismissal as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii).³

³ Even if Complainant had named the presiding judge as a subject of the complaint, the allegation would be subject to dismissal as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii) because a review of the underlying docket reflects that Complainant filed an objection one day after the R&R was entered, and the order adopting the R&R was entered three months later.

The complaint is DISMISSED. An unredacted private order is entered simultaneously herewith.


JENNIFER WALKER ELROD
Chief Judge