

FILED

November 12, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90022

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 Complainant's civil proceeding.

Complainant alleges that the judge's misconduct "consists of willful disregard of federal statutory obligations, retaliatory judicial action, obstruction of post-judgment rights, discriminatory treatment of a pro se disabled litigant, and conduct creating the appearance of prejudgment and partiality." In support, Complainant claims the judge:


- intentionally disregarded federal law by refusing to transfer Complainant's motion to recuse in violation of 28 U.S.C. § 144;
- expanded the "gag order" (referring to the court's order that the clerk's office not accept further filings from Complainant) and restricted Complainant's filings to notices of appeal and in forma pauperis ("IFP") motions in retaliation for Complainant filing a petition for writ of mandamus with the Fifth Circuit;
- threatened Complainant with monetary sanctions for filing a recusal motion, which reflects bias and "chilling of lawful access to redress";
- "misused [Complainant's] ADA support documentation ... to discredit both [Complainant's] tolling argument and [his] credibility";

- denied Complainant reasonable accommodations without engaging in the interactive process under the ADA;
- created the appearance of “prejudgment and favoritism” by denying Complainant’s motion to alter or amend the judgment without “judicial analysis” and within 24 hours of the filing of defendant’s opposition;
- reinforced “the existence of bias and selective enforcement” by not sanctioning defense counsel for violating the Federal Rules of Evidence but threatening Complainant with sanctions for filing a recusal motion; and
- “rigged” the process and continues to engage in retaliation because Complainant is currently barred from filing any document other than an IFP motion or a notice 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 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 retaliation or bias.

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


JENNIFER WALKER ELROD
Chief Judge