

FILED

November 17, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-26-90023 through 05-26-90025

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

ORDER

Complainant, a federal prisoner, has filed a complaint alleging misconduct by two United States District Judges (“Judge A” and “Judge B”) and a United States Magistrate Judge in Complainant’s criminal 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.

Allegations against the magistrate judge

Complainant complains that during an arraignment hearing on the second superseding indictment, the magistrate judge “refused to read the indictment in its entirety..., omitting [a] phrase ... which was fraudulently placed and planted into the embodiment [sic] of the fabricated indictment.”

This allegation relates directly to the merits of a decision or procedural ruling and is therefore 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.

In reference to the minute entries for three arraignment hearings on the second superseding indictment conducted by the magistrate judge in October 2018, Complainant complains that those minute entries do not include corresponding docket numbers. He asserts that the omission of the docket numbers “was a deliberate act of planning and scheme to deceive the courts machinery by fraud, perpetrated by an officer of the court.”

Clerk’s office or chambers personnel, not judges, are typically responsible for making docket entries. Regardless, the conclusory assertion that the magistrate judge fraudulently omitted docket numbers for the minute entries 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.”

Allegations against Judge A

Complainant recounts that he moved to compel production of government evidence which would identify a confidential informant. He claims that during a pretrial conference held in December 2018, Judge A “gave an oral order that no counsel would be allowed” when the court conducted an in-camera review of that evidence.¹ Complainant complains that Judge A engaged in improper ex parte communication because, when the in-camera review was conducted, the judge “invited” two Assistant United States Attorneys to attend, but did not invite defense counsel. Complainant further complains that Judge A then sealed the transcript of the in-camera proceeding and “refuse[d] to unseal it for direct appeal purposes which hindered [me] from raising this issue on [appeal].”

These allegations relate directly to the merits of Judge A’s decisions to conduct the in-camera review without defense counsel being present, to seal the transcript and exhibits of the proceeding, and to deny Complainant’s

¹ Contrary to this claim, a review of the transcript reflects that Judge A stated that the Assistant United States Attorneys would make the in-camera presentation.

motions to unseal those records, and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

Complainant further complains that Judge A granted the government's motion to exclude the testimony of Complainant's "exculpatory expert witnesses ... in violation of the 6th Amendment" and denied Complainant's "Motion to Enter Expert Witnesses."

This allegation relates directly to the merits of decisions or procedural rulings and is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

Complainant also complains that Judge A stated "that he was appointing stand-by counsel for [himself] and not [me], which [I] denied the appointment of this standby counsel repeatedly[.]"

This allegation relates directly to the merits of the judge's decision to appoint standby counsel over Complainant's objection and is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

Allegations against Judge B

The case was reassigned to Judge B in March 2019. Complainant complains that Judge B's decisions and conduct demonstrate "improper motive ... such as racial and personal bias." In support, Complainant submits that Judge B:

- "refused to read the indictment to the jury [on the first day of trial] and made [the AUSA] read it instead";
- made "a derogatory remark," i.e., "saying on the record that he was not gonna let [me] cross-examine [a Special Agent] during trial because [I] was uneducated and [didn't] have a G.E.D.";²

² Complainant asserts that this remark was made "during the first week of trial." However, a review of the transcripts of pretrial and trial proceedings conducted by Judge B during the period Complainant was representing himself reflects no such statement being made by the judge. The record further reflects that Complainant was represented by

- made additional (unspecified) “personal derogatory remarks irrelevant to the issues”;
- “refused to subpoena” two forensic examiners whose reports supported Complainant’s defense; and,
- “knew of a recusal requirement,” “deliberately failed to heed it,” and erroneously and improperly denied Complainant’s recusal motion.

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 about derogatory remarks and improper motive 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 B treated him differently than “the other defense attorneys” and “violated [my] rights to pro se representation.” In support, he offers three examples of this alleged misconduct.

— *Example 1*

Complainant states that “after I presented [my] opening statement to the jury, [Judge B] beg[a]n to repeatedly overlook and not acknowledge [me] as a pro se defendant and would not allow [me] to make objections or [my] right to present [my] case as other defense attorney were allowed.” Complainant submits that this “proves that [Judge B] had already planned to violate [my] rights to pro se representation.”

A review of the record reflects that the defendants, including Complainant, made numerous objections. During a subsequent

counsel shortly after the commencement of Day 3 of the trial, and Complainant’s attorney cross-examined the Special Agent.

recess, Judge B explained that because he had already ruled on two objections, he did not call on Complainant who appeared to want voice an objection on the same point. When the jury returned, the judge explained why he hadn't called on Complainant, and asked the jury and defense counsel to let him know if he failed to notice Complainant was trying to get his attention.

— *Example 2*

Complainant recounts that on the third day of the trial, Judge B declined to respond to his repeated demands that the court identify the United States Marshal who reported that a court-security x-ray machine had detected a razor blade concealed within a shoe in a bag of civilian clothing Complainant's wife had brought for one of the co-defendants.

— *Example 3*

Complainant recounts that on the third day of the trial, Judge B prevented him from “simply asking a question to the court in front of the jury.” A review of the record reflects that when Complainant, unprompted, attempted to address the jury, Judge B stopped him, explaining that Complainant would have the opportunity to address the jury later in the proceedings. Complainant again attempted to address the jury and Judge B warned that Complainant would be removed from the courtroom if he continued to defy the court. In response, Complainant accused the court of not permitting the jury to hear the truth. Judge B then ordered that Complainant be removed from the courtroom and that standby counsel take over Complainant's representation.

To the extent that 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 assertion that the judge intentionally “overlooked” Complainant when he sought to make objections 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.”

As to the assertion that the judge’s conduct constitutes evidence of intentional violations of Complainant’s right to represent himself, the Supreme Court of the United States has held that judicial bias is not established by a judge’s “expressions of impatience, dissatisfaction, annoyance, and even anger, that are within the bounds of what imperfect men and women, even after having been confirmed as federal judges, sometimes display. A judge’s ordinary efforts at courtroom administration—even a stern and short-tempered judge’s ordinary efforts at courtroom administration—remain immune.” *Liteky v. U.S.*, 510 U.S. 540, 555-556 (1994). The allegation is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

In addition, Complainant alleges that he filed an Amended Supplement to his 28 U.S.C. § 2255 motion, but the clerk’s office failed to enter the supplement on the docket. After the government filed a motion for summary judgment in response to Complainant’s initial § 2255 motion, Complainant resubmitted the Amended Supplement and it was docketed by the clerk’s office. Complainant complains that Judge B “refused” to file the original Amended Supplement and “has yet to give a reason or state on the record why this filing was not entered.”

A review of the record reflects that Complainant’s original Amended Supplement was docketed as part of Complainant’s reply to the government’s opposition to his motion to abate consideration of the initial § 2255 motion. The docketing of motions is typically the responsibility of clerk’s office or chambers personnel, not judges. Regardless, Complainant does not present any evidence that failure to separately docket the original Amended Supplement was a deliberate act attributable to Judge B, and the allegation is therefore 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.”

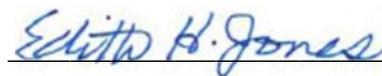
Complainant further complains that Judge B did not order the government to file a response to the original Amended Supplement, and did not order the government to file a response after Complainant resubmitted the supplement. Without specifying the ruling, Complainant also complains that Judge B “denied” the resubmitted Amended Supplement.³

These allegations relate directly to the merits of decisions or procedural rulings and are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

Finally, Complainant complains that “the jury verdict form was never entered” in the record and “this further proves this claim [sic] fraud and fabricated and forged documents.” A review of the docket reflects that the jury verdict form was not entered as an attachment to the minute entry, and it does not appear to have been entered thereafter.

The entry of documents on the docket is typically the responsibility of clerk’s office or chambers personnel, not judges. Regardless, Complainant does not present any evidence that the omission of the jury verdict form from the record was a deliberate act of fraud attributable to Judge B. This allegation is therefore 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 complaint is DISMISSED. An unredacted private order is entered simultaneously herewith.



EDITH H. JONES
Circuit Judge

³ A review of the record reflects no order corresponding to this allegation.

FILED

February 25, 2026

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-26-90023 through 05-26-90025

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 Judge Edith H. Jones, filed November 17, 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