

FILED

December 29, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90039

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

ORDER

Complainant, a federal detainee, has filed a complaint alleging misconduct by a United States District Judge in Complainant’s pending criminal proceeding.

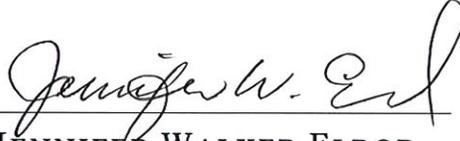
Complainant complains that the judge’s failure to grant Complainant’s pro se motion to appoint a Special Prosecutor and “failure to cure prosecutorial misconduct” and ineffective assistance of defense counsel reported in other pro se motions—all of which were filed while Complainant was represented by counsel—constitute “neglect of duty.”

These allegations relate directly to the merits of decisions or procedural rulings and are 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.

Complainant further complains that during a hearing held in August 2025, the judge “threaten[ed] that if I wouldn’t be quiet and address him through my attorney things will go from bad to worst [sic] for me all because I exercised my right to speak on my own behalf.”

This allegation, even if true, 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.” *See Liteky v. U.S.*, 510 U.S. 540, 555-556 (1994) (“A judge’s ordinary efforts at courtroom administration—even a stern and short-tempered judge’s ordinary efforts at courtroom administration—remain immune.”).

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


JENNIFER WALKER ELROD
Chief Judge