

FILED

March 9, 2026

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90040

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 Magistrate Judge in two civil proceedings.

Complainant alleges that the magistrate judge “consistently applied procedural rules in a one-sided and discriminatory manner—punishing a pro se and disabled party, while coaching and excusing licensed defense counsel.” Complainant further complains that the magistrate judge “repeatedly prejudged issues in [my] cases, issuing recommendations before response deadlines expired, and even worse—injecting defenses never raised by the defense themselves ... then us[ed] those sua sponte defenses to dismiss [my] claims without giving [me] notice or a meaningful opportunity to respond.”

In support, Complainant points to the following conduct in Case 1:

- The magistrate judge “preemptively suggested that the statute of limitations might be a problem—before any such defense was raised by the defendants,” and subsequently “ignored” Complainant’s “detailed argument on tolling under [state] law.” Complainant submits that this was “judicial coaching, and a signal to the defense on how to proceed.” It appears that Complainant is complaining (1) that the magistrate judge addressed the possible

running of the statute of limitations in an order entered prior to any motion by the defendant; and (2) that despite the defendant's failure to address his argument that tolling of the statute of limitations due to mental incapacity was warranted, in a Report and Recommendation ("R&R") the magistrate judge found that Complainant had failed to allege sufficient facts or evidence in support of that argument.

Complainant points to the following conduct in Case 2:

- At the commencement of a status conference, the magistrate judge asked Complainant if he intended to retain counsel or represent himself. Complainant recounts that after responding that he "could not afford to [retain counsel], the tone of the proceeding immediately shifted," and the magistrate judge "proceeded to coach" counsel for the County defendants to file an amended motion to dismiss because the initial motion to dismiss failed to address Complainant's claim that the County failed to provide ADA accommodations. Complainant asserts that the motion to dismiss was improperly filed, and that the magistrate judge "effectively instructed [defense counsel] how to repackage it, ensuring the motion could move forward despite its procedural impropriety. ... [This] is not neutral conduct. It is advocacy from the bench."

A review of the audio recording of the hearing reflects no discernible change in "tone" in the magistrate judge's voice or demeanor after Complainant confirmed that he would be representing himself. It therefore appears that Complainant's allegation is aimed at the magistrate judge's allegedly retaliatory decision to direct defense counsel to address in an amended motion to dismiss Complainant's claim that the County failed to provide ADA accommodations.

- The magistrate judge erroneously and improperly ordered that Complainant’s motion for summary judgment be stricken as premature and instructed the clerk not to accept any further summary judgment filings until after the court had completed screening Complainant’s amended complaint. Complainant protests that these decisions constituted: “a calculated act of concealment ... to erase any trace of [my] efforts to invoke summary judgment, effectively covering his tracks and eliminating evidence that might later support recusal, appellate relief, and misconduct claims”; “discrimination on the basis of disability and systemic bias against unrepresented litigants,” “weaponization of court staff” to “create selective or arbitrary barriers for pro se litigants, especially those asserting ADA rights”; and “systemic abuse of administrative control designed to chill further filings and suppress advocacy.” Complainant further asserts that the magistrate judge “likely” imposed the preemptive ban “in retaliation for [my] having previously asserted ADA rights, challenged bias, and filed motions to recuse.”
- Complainant alleges that the magistrate judge improperly denied Complainant’s motions to recuse and, “instead of considering” the merits of the second recusal motion, the magistrate judge “attacked the filing’s format and substance, claiming—without evidence, that it had been ‘created using artificial intelligence,’ and then invoked a local rule to threaten [me] with sanctions under Rule 11.” Complainant asserts that the magistrate judge’s “attack on [my] use of lawful research tools—including public databases and technology—was not about protecting the integrity of the court, ... it was about discrediting [me] to avoid engaging the substance of [my] filings.”

A review of the record reflects that Complainant filed a motion to recuse the magistrate judge. The magistrate judge denied the

motion, in part, because Complainant had failed to file an affidavit required under 28 U.S.C. § 144. The order also addressed, in detail, each of Complainant’s arguments for recusal, finding they were without merit. Four days later, Complainant filed a second motion for recusal and included the required affidavit. The magistrate judge denied the motion as duplicative and found that the affidavit was untimely. Concluding that certain errors and “false statements” indicated that, in violation of the court’s local rules and Rule 11 of the Federal Rules of Civil Procedure, Complainant had misused artificial intelligence to generate the affidavit, the magistrate judge warned Complainant that any further misuse of AI in his future filings might result in the imposition of sanctions under Rule 11.

- On March 25, 2025, “at 4:59PM,” Complainant filed a “detailed 25-page response in opposition to the motion to dismiss” filed by the defendant-state judge named in Complainant’s first amended complaint. On March 26, 2025, “at 10:02AM,” the magistrate judge “issued his 30-page [R&R].” Complainant claims that this “left approximately two business hours between filings,” and “exposes the truth: [the magistrate judge] had already been written and decided the Report before even receiving [my] response.” Complainant submits that this conduct “reflects open contempt for [my] right to be heard, ... actual bias, prejudgment, and a calculated strategy to exclude [my] arguments from the record.”

Complainant asserts that courts have an “affirmative duty to engage in an interactive process to assess, respond to, and implement reasonable [ADA] accommodations.” Complainant complains that “upon being informed of [my] disability and [my] specific needs,” the magistrate judge “retaliated against [me] for exercising [my] rights under the [ADA], by engaging in escalating acts of procedural suppression, ... obstruction, ...

[and] selective punishment,” and “failed to evaluate feasibility,” “failed to propose alternatives,” and “den[ied] ADA motions without explanation. ... This is not just procedural neglect—it is deliberate indifference [and] intentional discrimination ... meant to intimidate and suppress further protected conduct.” In support, Complainant points to the magistrate judge’s decisions in Case 2 denying Complainant’s motion for an ex parte hearing “to privately discuss [my] ADA accommodations with the Court” and striking Complainant’s motion for summary judgment.

Noting that the parties in Case 2 did not consent to proceed before a magistrate judge pursuant to 28 U.S.C. 363(c)(1), Complainant complains that the magistrate judge “repeatedly violated the statutory limits on his authority by ruling on dispositive matters.” In support, Complainant claims that the magistrate judge ordered that Complainant’s motion for summary judgment be stricken (as premature), denied motions for his own recusal, denied motions for ADA accommodations, “refus[ed] to docket or accept filings on procedural matters,” and “issued de facto dispositive relief to Defendants without submitting recommendations to the district judge for de novo review.” A review of the record reflects that none of the rulings Complainant is referencing appear to be dispositive rulings prohibited by 28 U.S.C. 363(b)(1)(A).

Finally, Complainant complains that the magistrate judge “suppressed [my] fraud related claims by refusing to consider pleadings and exhibits showing that the Defendants relied on falsified reports and misrepresented credentials” and “disregard[ed] controlling precedent.”

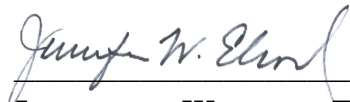
To the extent these allegations relate directly to the merits of decisions or procedural rulings, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). The complaint procedures in 28 U.S.C. §§ 351-364 are not a substitute for the normal appellate review process and may not be used to obtain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

The assertions of prejudice, discrimination, and retaliation against a disabled pro se litigant; bias in favor of the defendants/defense counsel; intentional obstruction; “concealment”; and intimidation 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 evidence of bias, discrimination, or other misconduct.

The allegation that the magistrate judge coached defense counsel is also subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii). Contrary to Complainant’s assertion, the magistrate judge was not coaching defense counsel. Rather, the magistrate judge had a duty under 28 U.S.C. § 1915(e)(2)(B)(ii) to dismiss the case filed *in forma pauperis* if it failed to state a claim. The magistrate judge was statutorily required to consider the merits of the case and was not coaching the defense counsel by addressing this concern in his order.

This is Complainant’s second merits-related and conclusory judicial misconduct complaint regarding Case 1. Complainant is WARNED that should he file a further merits-related, conclusory, frivolous, or repetitive complaint, his right to file complaints may be suspended and, unless Complainant is able to show cause why he should not be barred from filing future complaints, the suspension will continue indefinitely. *See* Rule 10(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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



JENNIFER WALKER ELROD
Chief Judge