

**FILED**

March 9, 2026

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Number: 05-26-90046

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

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## ORDER

Complainant, a pro se litigant, has filed a complaint alleging misconduct by a United States District Judge in a civil proceeding.

Complainant complains that the judge's "failure to timely adjudicate, address conflicts, and protect constitutional rights" violates: Canons 1, 2, and 3 of the Code of Conduct for United States Judges<sup>1</sup>; the Federal Rules of Civil Procedure; and Complainant's rights to due process and access to the courts.

In support, Complainant points to the judge's denial of his motion "for a conference seeking clarity, stating Plaintiff 'can hire a lawyer' if clarification is needed, notwithstanding alleged conflicts for attorneys as officers of the court."

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

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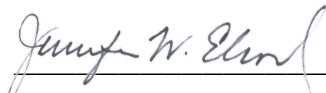
<sup>1</sup> Canon 1 provides: "A judge should uphold the integrity and independence of the judiciary." Canon 2 provides: "A judge should avoid impropriety and the appearance of impropriety in all activities. Canon 3 provides: "A judge should perform the duties of the office fairly, impartially and diligently." See Guide to Judiciary Policy, Vol. 2A, Ch. 2.

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 notes that “[f]or over a year, [the judge] has failed to rule on pending motions, including [my] challenge to qualified immunity, and on the motions to dismiss,” despite Complainant’s “provid[ing] legal notice of the constitutional violation and conflict of interest involving defense counsel.” Complainant asserts that “by making no substantive rulings on the constitutional claims, and by refusing relief despite notice, [the judge] is complicit in ongoing deprivation of civil rights under color of law.”

A review of the docket reflects that the defendants’ motions to dismiss have been ripe for consideration since February 28, 2025, while other motions and “notices” have been pending for shorter periods. It further appears that all pending motions have now been referred to a magistrate judge. With the referral of the pending motions, we anticipate the case will move forward more quickly. In any case, delays alone do not constitute judicial misconduct, though courts endeavor to resolve matters expeditiously. *See* Rule 4(b)(2) of the Rules For Judicial-Conduct and Judicial-Disability Proceedings. In addition, there is no evidence to suggest that any delays in judicial action are a result of an intent to deny Davis due process, complicity “in ongoing deprivation of civil rights,” or a lack of diligence. This aspect of the complaint is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii) as “lacking sufficient evidence to raise and inference that misconduct has occurred.”

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

  
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JENNIFER WALKER ELROD  
*Chief Judge*

**FILED**

April 13, 2026

Lyle W. Cayce  
Clerk

**Judicial Council  
for the Fifth Circuit**

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Complaint Number: 05-26-90046

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IN RE COMPLAINT OF [REDACTED] AGAINST [REDACTED]

UNDER THE JUDICIAL IMPROVEMENTS ACT OF 2002.

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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 Chief Judge Jennifer Walker Elrod, filed March 9, 2026, 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*