

**FILED**

March 13, 2026

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Number: 05-26-90047

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

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## ORDER

Complainant, a state prisoner, has filed a complaint alleging misconduct by a United States Magistrate Judge in Complainant's 28 U.S.C. § 2254 proceeding.<sup>1</sup>

Complainant complains that the magistrate judge unduly delayed ruling or "refused to rule" on his motions in violation of his Sixth, Eighth, Thirteenth, and Fourteenth Amendment rights. In support, Complainant points to the following conduct:

- The magistrate judge denied Complainant's Motion to Stay State Court Proceedings "without objection or a hearing after letting it sit for 8 months." A review of the docket reflects a 6.5-month delay in ruling on the motion.
- The magistrate judge denied Complainant's Motion to Invoke District Court to Admit Applicant to Bail "without objections after letting it sit for 11 months without notifying me of the denial

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<sup>1</sup> On the complaint form, Complainant also lists a 42 U.S.C. § 1983 action, however, his statement of facts includes no discernible allegations of misconduct in that case.

so I can't appeal." A review of the docket reflects a 9-month delay in ruling on the motion.

- The magistrate judge “refused to give her report on” Complainant’s Motion for Summary Judgment. A review of the record reflects that the magistrate judge did not address the motion for summary judgment in a Report and Recommendation entered May 16, 2025. In the Final Judgment entered on July 16, 2025, the presiding district judge denied the motion.
- The magistrate judge “refused to rule” on Complainant’s “motions to compel the state trial court dismiss the sex assault charges that holds [sic] the conviction in place, ... just to prolong my illegal confinement knowing they can’t bring to trial again.” A review of the docket reflects that Complainant filed a single motion to compel in March 2025. In the final judgment entered on July 16, 2025, the presiding district judge denied the motion.
- The magistrate judge “let my 2254 sit for 27 months before she gave her report on it[.]” A review of the docket reflects a 14-month delay between when the petition was ripe for consideration and when the magistrate judge entered a Report and Recommendation.
- The magistrate judge “refuses to grant” Complainant’s motion to proceed IFP on appeal “just to prolong my illegal confinement and delay my emergency motion in [the] appeal court.” Contrary to this claim, a review of the docket reflects that the motion was granted six days after it was filed.

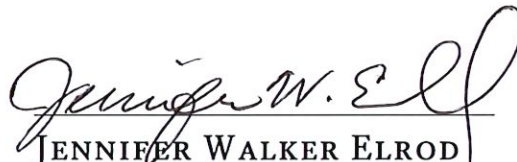
In addition, Complainant complains that the magistrate judge “refuses to file my brief to my appeal in my civil action ... just to prolong my confinement because of the stay motion that I filed with it just to get it denied.” However, a review of the dockets of all civil cases filed by

Complainant in which preliminary matters were referred to the magistrate judge reflects no filing that appears to correspond to this allegation.

Complainant concludes that the magistrate judge's knowledge that "I'm black is the only logical explanation of why she would engage in conduct prejudicial to the effective and expeditious administration of the business of the court."

While delays of between six and fourteen months in rendering decisions are undesirable, they do not, of themselves, constitute judicial misconduct. *See* Rule 4(b)(2) of the Rules For Judicial-Conduct and Judicial-Disability Proceedings. Moreover, there is no evidence to suggest that the delays in judicial action were due to lack of diligence, racial animus, or intent to prolong Complainant's confinement. The complaint is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

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

  
JENNIFER WALKER ELROD  
*Chief Judge*