

**FILED**

January 15, 2026

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Numbers: 05-26-90056 and 05-26-90057

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

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## ORDER

Complainant A and Complainant B, pro se litigants who are married to each other, have filed a complaint alleging misconduct by a United States District Judge and a United States Magistrate Judge in a civil proceeding.

Complainants complain that the magistrate judge acted “in violation of statutory and procedural safeguards designed to protect our litigant rights.” For example:

- The magistrate judge “[i]ssued dispositive rulings, including denials of motions for default judgment and entry of default, without [our] consent under 28 U.S.C. § 636(c),” “cit[ed] flawed reasoning that contradicts [the Federal Rules of Civil Procedure],” misapplied “Local Rule CV-7(g),” “[i]gnor[ed] the Defendants’ failure to respond for over 150 days,” “denied entry of default” against the corporate-defendant, and “interfered with the adjudication of injunctive relief.”
- “Despite having no statutory authority to dismiss or modify pleadings without consent or de novo review by [the district judge], [the magistrate judge] improperly issued an order directing amendment of a facially valid Complaint” and “imposed

formatting requirements, directly impacting the scope and viability of [our] claims.”

- The magistrate judge’s order for an amended complaint, and an order denying Complainants’ motions to compel and warning that any further non-dispositive motions that did not include a certificate of conference would be stricken from the record, “constitute judicial misconduct, overreach, and procedural abuse,” and “reveal a sustained pattern of judicial avoidance, misrepresentation, and failure to engage with core allegations in our civil case.”
- The magistrate judge’s order entered in September 2025 “improperly denied dispositive motions and compe[led] refiling and re-serving of a Complaint to the Defendants that is compliant with the Federal Rules of Civil Procedure” and “continue[d] his jurisdictional overreach, procedural violations, and constitutional infringements.”
- The magistrate judge “suppressed or ignored ... our constitutional grievances,” and thereby “den[ied] us the right to be heard.”

Complainants complain that the district judge “allowed” the magistrate judge to issue dispositive rulings without consent,” “[r]emained silent and refused to vacate or correct the magistrate judge’s unauthorized orders and actions,” and “[f]ailed to intervene despite repeated procedural violations and jurisdictional overreach.” Complainants further complain that the district judge unduly delayed ruling on a government-defendant’s motion for an extension of time to file an answer, “effectively granting an informal grace period of over 60 days” which constitutes “evidence of favoritism.” This claim is contradicted by the record, which reflects that, seven days after the motion was filed, the magistrate judge entered an order

mooting the motion because the Court had ordered Complainants to file an amended complaint.

Complainants also submit that the district judge's "pattern of silence and inaction ... [and] failure to address critical motions and procedural irregularities, ... demonstrate bias and a failure to uphold the duties of his office" in violation of Canons 2, 2(B),<sup>1</sup> and 3(A)(3) and (5) of the Code of Conduct for United States Judges.<sup>2</sup> In addition, without providing any evidence in support, Complainants also complain that the district judge "appears to be instructing the Clerk of the Court not to file our Entry of Default Motions against [the defendants]," which "constitutes obstruction of justice." They also complain that the district judge's "anticipated refusal to enter default against [the defendants] would be a direct violation of [Rule 55 of the Federal Rules of Civil Procedure] and an abuse of discretion."

Finally, Complainants complain that the district judge and the magistrate judge have favored the government and corporate defendants "over the pro se Plaintiffs" by, for example, resetting deadlines for answering Complainants' complaint, not "address[ing] or acknowledg[ing] the core factual basis of [our] complaint," and demonstrating "a disturbing judicial disinterest in [a government-defendant's] fraud and extortion." Complainants contend that this "failure to uphold neutrality, diligence, and protection of constitutional rights" by "elevating procedural technicalities above constitutional due process, delaying redress, ... and shielding the

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<sup>1</sup> Complainants cite Canon 3(B)(6), but they quote language from Canon 2(B).

<sup>2</sup> Canon 2 provides: "A judge should avoid impropriety and the appearance of impropriety in all activities." Canon 2(B) provides: "A judge should not allow family, social, political, financial or other relationships to influence judicial conduct or judgment. A judge should neither lend the prestige of the judicial office to advance the private interest of the judge or others nor convey or permit others to convey the impression that they are in a special position to influence the judge." Canon 3(A)(3) provides: "A judge should be patient, dignified, respectful, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity. A judge should require similar conduct by those subject to the judge's control, including lawyers to the extent consistent with their role in the adversary process." Canon 3(A)(5) provides: "A judge should dispose promptly of the business of the court." *See* Guide to Judiciary Policy, Vol. 2A, Ch. 2.

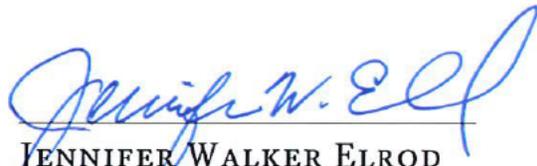
Defendants from accountability, ... reflect[s] institutional negligence and potential collusion to obscure [a government-defendant's] misconduct and protect corporate wrongdoing by [the corporate-defendant].”

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 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 allegations of undue delay and “anticipated” abuse of discretion are subject to dismissal as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii). The assertions of bias and “potential collusion” are 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.

This is Complainant A’s third merits-related and conclusory judicial misconduct complaint, and his second complaint in which allegations have been dismissed as frivolous. This constitutes an abuse of the complaint process. Complainants are WARNED that should they, either jointly or individually, file a further merits-related, conclusory, frivolous, or repetitive complaint, their right to file complaints may be suspended and, unless they are able to show cause why they 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*