

**FILED**

January 20, 2026

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

---

Complaint Numbers: 05-26-90058 and 05-26-90059

---

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 District Judge and a United States Magistrate Judge in a civil proceeding.

Complainant complains that during an evidentiary hearing, the magistrate judge “act[ed] as though I did something wrong by even filing this case in the court,” “act[ed] and sound[ed] like he did not give a care about the attack,” and “ke[pt] trying to make me look dishonest.” In support, Complainant claims that the magistrate judge “kept on asking me: (1) Why file this case in this court? Why didn’t you go to J.P. court with this? (2) Why didn’t you file against the 2 women who attacked you? (3) Why are you asking for the \$60,000? I know you know how to file a case. (4) Are you prepared to pay today for this case?” She further complains that the magistrate judge “just act[ed] and sound[ed] like he did not give a care about the attack” and “[i]t seems as though I was prejudged by another case that I had in the court.”

A review of the audio recording and transcript of the evidentiary hearing contradicts these claims. The magistrate judge explained that because Complainant was a pro se plaintiff proceeding in forma pauperis, he

would be questioning her about the basis of her claims to ascertain whether she had stated a claim upon which relief could be granted. Throughout the hearing, the magistrate judge's tone in asking questions and making comments was neutral and respectful.

The allegations that the magistrate judge's questions and remarks demonstrated bias against Complainant, as well as prejudgment of her claims, 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."

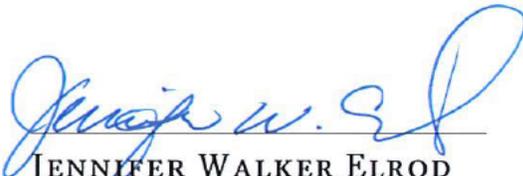
Complainant appears to further complain that the magistrate judge's subsequent recommendation that her lawsuit be dismissed for lack of jurisdiction based on failure to meet the \$75,000 amount-in-controversy threshold, and the district judge's adoption of that recommendation after finding that Complainant's attempt to amend her complaint was not a genuine effort to rectify jurisdictional defects, were erroneous and improper. Complainant states, "I thought that if the amount was \$75,000 that I could ... change it to help my case ... but the judge took that and ran with it to get my case thrown out and close my case." She claims that "[i]t seem[s] as though this case was never wanted in this court, any reason at all I believe would have gotten the case thrown out," and "for my character to be assassin[ated] and degraded is not right."

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 may not be used to challenge the correctness of a judge's ruling or decision. *See* Rule 4(b)(1) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

The allegations that the magistrate judge's recommendation, and the district judge's findings and adoption of the recommendation, constituted a "character assassination," 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.”

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



JENNIFER WALKER ELROD  
*Chief Judge*