

FILED

January 28, 2026

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90061

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

ORDER

Complainant, a federal prisoner, has filed a complaint alleging misconduct by a United States District Judge in a 28 U.S.C. § 2254 proceeding challenging Complainant’s state criminal conviction.

Complainant reports that the judge “was a prosecutor and overseer (as US Attorney)” in Complainant’s 28 U.S.C. § 2255 proceeding challenging his federal criminal conviction “which stemmed from the State investigation probe being challenged in his court” and “carried claims of investigator misconduct, which may have implicated [the judge] himself.” Complainant complains that the judge intentionally failed to recuse himself sua sponte in the § 2254 proceeding and made the following prejudicial and biased decisions:

- The judge dismissed the case “without any expansion of the record or opinion to [sic] the investigator misconduct,” intentionally “narrowly constru[ing] filings to fit a modus operandi of regular conduct for a state prosecutor” by “alter[ing] and omit[ting] the actual facts of the case.”
- The judge “vir[t]ually [a]bsolved himself and his co-workers, as a prior US attorney, from any liability and culpability to the misconduct claims that are imputed to the government.”

- The judge's "actions [were] judicial bias masquerading as a[d]judication, which violates due process."

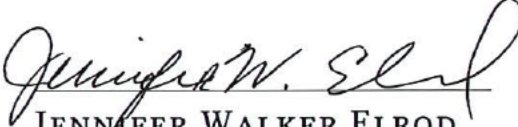
To the extent that the allegations relate directly to the merits of decisions or procedural rulings, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). "Cognizable misconduct does not include an allegation that calls into question the correctness of a judge's ruling, including a failure to recuse." Rule 4(b)(1) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

The assertions of prejudice, bias, and improper motive 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 further complains that the judge "dismissed the case after a three-year delay." A review of the docket reflects three delays of between eight and nine months in ruling on motions.

"Cognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases." Rule 4(b)(2) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. In this case, there is no evidence to suggest that any delays in judicial action were due to an intent to violate Complainant's right to due process. This aspect of 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