

FILED

January 28, 2026

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90062

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 (“Judge A”) in a 28 U.S.C. § 2255 proceeding challenging Complainant’s federal criminal conviction.

Of relevance to the instant complaint, a review of docket reflects that:

- In 2018, a United States District Judge (“Judge B”) dismissed Complainant’s § 2255 motion as time barred.
- In December 2025, Complainant filed a motion to reopen judgment under Federal Rules of Civil Procedure 60(b) and 60(d). He also filed several other motions, including a motion to preemptively recuse Judge A from being assigned the case and a motion to transfer the case to another district court.
- Two days later, the clerk reassigned the case from Judge B to Judge A, and then reassigned the case to another United States District Judge (“Judge C”) pursuant to a Special Order entered by the chief district judge in August 2019 addressing the random assignment of civil and criminal cases in three Divisions of the United States District Court to Judge A, Judge B, and the chief district judge. The order also stated:

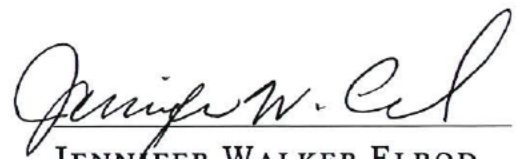
“Additionally, any recusal by [Judge A] will be directly assigned to [Judge C].”

Complainant complains that “in lieu of ruling on the recusal and transfer motions and allowing the randomized selection of a judge and venue [to] ensue, [Judge A], ex parte and without notice, assigned the case to [Judge C].” Noting that he has filed a prior judicial misconduct complaint alleging that Judge A intentionally did not recuse himself in “a related [28 U.S.C. § 2254 proceeding] partly based on misconduct that would have implicated [Judge A] as a culpable party,” Complainant asserts that Judge A’s reassignment of the case “to [Judge C] shows bias and desire to manipulate the outcome ... to shield himself from any culpability still at issue in this case and the related § 2254.”

The allegation that Judge A improperly recused himself without issuing an order addressing Complainant’s motion to recuse 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 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.

As summarized above, the docket reflects that, pursuant to the special order, the case was administratively reassigned to Judge C upon Judge A’s recusal. The allegation that Judge A “manipulated” the reassignment of the case to Judge C is therefore 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