

FILED

February 10, 2026

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90069

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 federal criminal proceeding and in a related 28 U.S.C. § 2255 proceeding.

Complainant complains that the judge “show[ed] a significant bias towards me” during the criminal proceeding. In support, Complainant asserts:

- The judge “[e]ffectively reliev[ed] the government of its duty to prove every element beyond a reasonable doubt,” thereby “compelling an involuntary and unintelligent plea.”
- The judge “[a]ccepted a plea of guilty from me that was constitutionally defective in that I was denied [effective] counsel.”
- The judge “gave me the highest end of the sentencing guidelines while running my sentence concurrent to the ‘yet imposed’ state sentence and providing a lifetime of supervision while handing down numerous conditions to the supervision unrelated to the crime itself.”
- The judge’s dismissal of Complainant’s initial § 2255 motion as time-barred in April 2018 was erroneous, and the judge’s

September 2022 order denying § 2255 relief was “bias[ed],” “void of any response to my actual innocence claims and the new circuit precedents,” and improperly “def[ied] Supreme Court precedent.”

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). 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 assertion of bias is 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.” Adverse rulings alone do not constitute evidence of bias. *See Liteky v. United States*, 510 U.S. 540, 555 (1994).

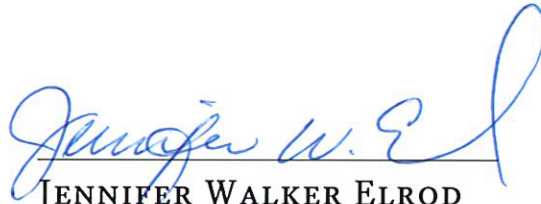
Complainant further complains that the judge entered an order in September 2022 with the intention of depriving Complainant of his due process rights. Of relevance to this claim, the record reflects that Complainant filed a Motion under Rule 60, a Motion in the Alternative (to construe the Motion under Rule 60 as a § 2255 motion), and a Motion for Leave to File Evidence. The judge summarily denied the motions in an order entered in February 2022. Complainant asserts that while the appeal from order was pending, the judge entered an order in September 2022 “changing” the February 2022 ruling from “a dismissal” to “a denial,” thereby intentionally “obscur[ing] the facts of the case and the record in order to prevent me from proper appeal and reconsideration.”

These claims are contradicted by the record. The order entered in February 2022 *denied* the Motion under Rule 60. The order entered in September 2022 noted that Complainant’s Motion under Rule 60 was *denied* and no certificate of appealability was entered, and further stated that, to the extent that motion should have been considered *a civil matter under 28 U.S.C. § 2255*, the court *denied* a certificate of appealability. Regardless, the allegation

that the judge entered the second order with the intent of violating Complainant's due process rights is 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 also complains that due to the judge's purportedly improper second order, "[t]he district court now does not recognize that a Rule 60(b) motion was ever filed in [the § 2255 proceeding] and it is not on the docket sheet." Complainant is mistaken. The record reflects that the Motion under Rule 60 was docketed in the criminal proceeding, not in the § 2255 proceeding. This allegation is therefore subject to dismissal as frivolous 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

FILED

April 13, 2026

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90069

IN RE COMPLAINT OF [REDACTED]
AGAINST [REDACTED]

UNDER THE JUDICIAL IMPROVEMENTS ACT OF 2002.

ORDER

An Appellate Review Panel of the Judicial Council for the Fifth Circuit has reviewed the above-captioned petition for review, and all the members of the Panel have voted to affirm the order of Chief Judge Jennifer Walker Elrod filed February 10, 2026, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The order is therefore AFFIRMED.

Catharina Haynes

Catharina Haynes
*United States Circuit Judge
For the Judicial Council of the Fifth Circuit*