

FILED

February 10, 2026

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-26-90070 through 05-26-90072

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 three United States Circuit Judges who denied Complainant's petition for a writ of mandamus.

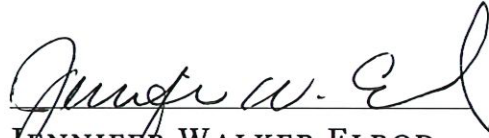
Complainant notes that in summarizing the underlying district court proceedings in the order denying his mandamus petition, the judges stated that the district court denied Complainant's motion under Federal Rule of Civil Procedure 60(b) in February 2022. Complainant asserts that this statement was erroneous, i.e., the district court "dismissed" the Rule 60(b) motion in February 2022, and "denied" the Rule 60(b) motion in September 2022.

Complainant complains that the judges intentionally "backdated the 'denial' by the district court to reflect the 'dismissal' date to misconstrue the timeline and obscure the dates in order to work around the [*Kemp v. United States*, 596 U.S. 528 (2022)] ruling and leave the 'mistake' portion of the Rule 60(b) motion unaddressed."

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 improper motive 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).

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


JENNIFER WALKER ELROD
Chief Judge