United States Court of Appeals
Fifth Circuit
FILED
February 26, 2026
Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-26-90082 and 05-26-90083

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 United States Magistrate Judge in Complainant's employment discrimination action.

Without providing any evidence or pointing to any specific examples, Complainant alleges that the magistrate judge "exhibited biased and improper conduct throughout the proceedings"; that the judge's "courtroom demeanor and rulings suggested favoritism toward the opposing party and a dismissive attitude toward [Complainant] as a pro se litigant"; that Complainant was denied "a full and fair opportunity to present [Complainant's] clams"; that Complainant "observed a pattern of indifference to [Complainant's] arguments, procedural unfairness, and what [Complainant] believed to be personal or professional favoritism toward opposing counsel"; and that Complainant was not treated equally based on Complainant's "status" and "legal representation."

To the extent 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).

The conclusory assertions of favoritism, indifference, and unequal treatment 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." Adverse rulings alone do not constitute evidence of bias. *See Liteky v. United States*, 510 U.S. 540, 555 (1994).

Complainant's allegation that the magistrate judge's courtroom demeanor reflected a dismissive attitude toward Complainant and favoritism toward the opposing side are not supported by the audio recordings of the conferences conducted by the judge. A review of the recordings show that the judge exhibited patience with and respect for Complainant during court conferences. Therefore, these allegations are subject to dismissal under 28 U.S.C. § 352(b)(1)(B), which permits dismissal of a complaint "when a limited inquiry ... demonstrates that the allegations in the complaint ... are conclusively refuted by objective evidence."

Finally, Complainant appears to take issue with the district judge regarding his decisions to adopt the magistrate judge's various reports and recommendations issued during the pendency of the case, alleging that a district judge is required to reject recommendations "[i]f a magistrate judge makes a legal error, ignores evidence, or shows bias." This allegation is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii) as directly related to the merits of decisions or procedural rulings.

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

JENNIFER WALKER ELROD
Chief Judge

United States Court of Appeals
Fifth Circuit
FILED
July 8, 2026
Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-26-90082 and 05-26-90083

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 26, 2026, dismissing the Complaint of [redacted] against [redacted] and [redacted] under the Judicial Improvements Act of 2002.

The order is therefore AFFIRMED.

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