

FILED

March 4, 2026

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90085

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 in a civil proceeding.

Complainant complains that:

- The judge “denied four of [my] motions, ... all filed the prior day, without opposition or reply,” whereas the judge set a hearing on the plaintiff’s motion to remand for 55 days after the motion was filed and the plaintiff’s motion to stay was “granted same-day.” Complainant asserts that this conduct constituted “disparate treatment based on [my] pro se status” and “abuse of discretion to favor” the plaintiff in violation of Rules 4(a)(1)(A) and 4(a)(3) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.¹

¹ Rule 4(a)(1)(A) provides that “[c]ognizable misconduct includes using the judge’s office to obtain special treatment for friends or relatives.” Rule 4(a)(3) provides that “[c]ognizable misconduct includes intentional discrimination on the basis of race, color, sex, gender, gender identity, pregnancy, sexual orientation, religion, national origin, age, or disability.” See Guide to Judiciary Policy, Vol. 2E, Ch. 3 at 7-8. Complainant provides no evidence that the plaintiff or plaintiff’s counsel are the judge’s “friends or

- The judge ruled on motions while a motion to recuse was pending, “creating an appearance of bias” in violation of Rule 4(a)(6).²
- In further violation of Rule 4(a)(1)(A), the judge held a hearing on the plaintiff’s motion to remand and “[i]ssu[ed] a void remand order in direct violation of a prior consolidation order issued [in a second case], enabling the defendant to evade federal jurisdiction and pursue retaliatory state court litigation.” Contrary to this claim, a review of the docket in the second case reflects that the presiding judge has not entered a consolidation order in the pending matter.
- The judge deprived Complainant of due process by “refus[ing] to rule on the recusal motion before issuing the remand order.”

To the extent that 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 bias, discrimination, and retaliation 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

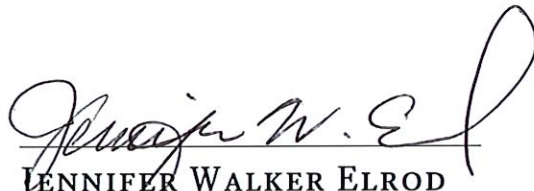
relatives,” or that the judge discriminated against Complainant on any basis or bases listed in Rule 4(a)(3).

² Rule 4(a)(6) provides that “[c]ognizable misconduct includes ... failing to call to the attention of the relevant chief district judge or chief circuit judge any reliable information likely to constitute judicial misconduct or disability.” *See id.* at 8. Contrary to Complainant’s claim, Rule 4(a)(6) does not require a judge to report to the chief district judge or chief circuit judge allegations made against her or him in a recusal motion.

opinions alone do not constitute evidence of bias. *See Liteky v. United States*, 510 U.S. 540, 555 (1994).

Complainant further complains that in violation of Rules 4(a)(1)(A), 4(a)(4),³ and 4(a)(6), the judge “[f]ail[ed] to report reliable evidence of fraud on the court by the defendants [sic], as asserted in [my] Motion to Vacate [and Motion for Order to Show Cause].” However, a review of the record reflects that those motions were filed in the second case. Therefore, this allegation is 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

³ Rule 4(a)(4) provides that “[c]ognizable misconduct includes ... retaliating against complainants, witnesses, judicial employees, or other for participating in this complaint process, or for reporting or disclosing judicial misconduct or disability.” *See id.* at 8.

FILED

July 20, 2026

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90085

IN RE COMPLAINT OF [REDACTED] AGAINST

[REDACTED]
UNDER THE JUDICIAL IMPROVEMENTS ACT OF 2002.

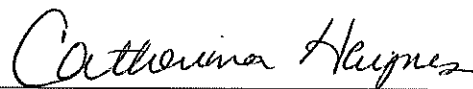
ORDER

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 March 4, 2026, dismissing the Complaint of [REDACTED]

[REDACTED] against [REDACTED]

[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