

FILED

March 4, 2026

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90086

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 violated his constitutional rights and “obstructed justice” by “rescinding a [non-existent] 20-day old [temporary restraining order (“TRO”)] as a ‘clerical error’ one day after [Complainant] filed a contempt motion, suggesting retaliatory intent” and “shield[ing] the [United States Department of Veterans Affairs] from contempt sanctions and enabl[ing] ongoing violations.” Complainant asserts that the judge violated Rule 4(a)(1)(F)¹ by committing “fraud on the court (pretextual reversal to protect defendants),” and violated

¹ Rule 4(a)(1)(F) provides: “Cognizable misconduct includes: ... violating rules or standards pertaining to restrictions on outside income or knowingly violating requirements for financial disclosure.” *See* Guide to Judiciary Policy, Vol. 2E, Ch. 3 at 7. Complainant does not explain how the judge’s order violated Rule 4(a)(1)(F).

Rule 4(a)(4)² by retaliating against Complainant for filing a contempt motion. Complainant further asserts that “the timing” of the order “suggests personal animus.”

- In violation of Rule 4(a)(1)³, the judge “[f]ail[ed] to enforce court orders against federal defendants ... despite repeated violations of the [non-existent] TRO” and Complainant’s motions documenting those violations and “took no action for 45+ days.”
- The judge subjected Complainant to “disparate treatment based on [Complainant’s] pro se status” in violation of Rules 4(a)(3)⁴ and Rule 4(a)(7)⁵ by: failing to promptly grant Complainant leave to file electronically and thereby “impairing [my] ability to file timely and equally with represented defendants”; and [g]ranted [the] federal defendants’ motion same-day (e.g., stay motion), while delaying my motions for 20+ days.”

² 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. Contrary to Complainant’s claim, Rule 4(a)(4) does not address alleged “retaliation” against a party in a case.

³ Rule 4(a)(1) states: “Violation of Specific Standards of Judicial Conduct. Cognizable misconduct includes:” followed by examples (A)-(F). *See id.* Complainant does not specify which standard/s of conduct was/were allegedly violated.

⁴ 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 id.* at 7-8. Complainant provides no evidence that the judge discriminated against him on any basis or bases listed in Rule 4(a)(3).

⁵ Rule 4(a)(7) provides that “[c]ognizable misconduct includes conduct occurring outside the performance of official duties if the conduct is reasonably likely to have prejudicial effect on the administration of the business of the courts, including a substantial and widespread lowering of public confidence in the courts among reasonable people.” *See id.* at 8-9. Complainant does not explain how the judge’s rulings constitute “conduct occurring outside the performance of official duties[.]”

- The judge violated Rule 4(a)(6)⁶ by failing to promptly rule on Complainant’s recusal motion and by “rul[ing] on contested matters” while the recusal motion is pending.
- The judge unduly delayed ruling on unopposed motions and “ignored” Complainant’s “multiple Judicial Notices and Advisories attempting to preserve the record and alert the court to irregularities.”

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).

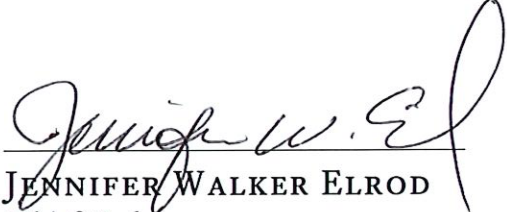
The conclusory assertions of retaliation, personal animus, bias, and discrimination are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii) as “lacking sufficient evidence to raise an inference that misconduct has occurred.” Adverse opinions alone do not constitute evidence of bias. *See Liteky v. United States*, 510 U.S. 540, 555 (1994).

Regarding the allegation of undue delay, Rule 4(b)(2) provides that “[c]ognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” As Complainant does not allege the latter, and there is no evidence to suggest that any delays in judicial action are due to an intent to violate Complainant’s due process rights or bias in favor of the

⁶ 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. Complainant does not explain how the judge’s failure to rule on a recusal motion violates Rule 4(a)(6).

defendants, this aspect of the complaint is subject to dismissal 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

July 20, 2026

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for the Fifth Circuit**

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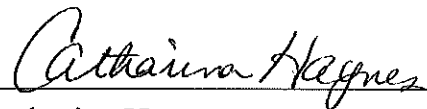
IN RE COMPLAINT OF [REDACTED] AGAINST [REDACTED]

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] against [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*