

**FILED**

March 13, 2026

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Numbers: 05-26-90089 and 05-26-90090

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IN RE COMPLAINT OF JUDICIAL MISCONDUCT  
UNDER THE JUDICIAL IMPROVEMENTS ACT OF 2002.

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## ORDER

Complainant, a pro se litigant, has filed a complaint alleging misconduct by a United States District Judge and a United States Magistrate Judge in Complainant's pending civil proceeding.

Complainant complains that the district judge and the magistrate judge have demonstrated "bias" and "prejudice" and have engaged in "retaliation, obstruction of justice, and protection of defendants' unlawful actions" in violation of Complainant's due process rights. For example:

- The district judge and the magistrate judge have "ignored" Complainant's "requested verification of conflicts of interest and ADA accommodations."
- The magistrate judge erroneously and improperly denied Complainant's motions for a default judgment.
- By permitting defendants to file "late motion[s] to dismiss," the district judge and the magistrate judge "obstruct[ed] discovery and justice."
- The magistrate judge "blocked" Complainant from filing a response to the federal defendants' motion to dismiss by

“issu[ing] an order preventing options and imposed as stay freezing the case.” Contrary to this claim, a review of the record reflects that the order staying the case—which was entered three weeks after the federal defendants’ motion to dismiss was filed—permitted the parties to file responses, replies, or sur-replies to pending motions.

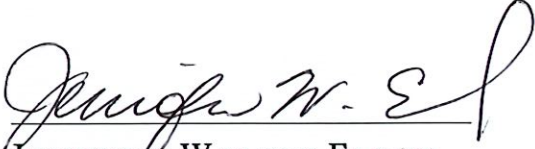
- At the time Complainant signed the instant complaint, the district judge and the magistrate judge had “failed to rule on any motions for over four months.” Contrary to this claim, a review of the record reflects that the magistrate judge entered two orders on Complainant’s motions, followed by the order staying the case, during that period.
- The district judge and the magistrate judge have “repeated[ly] refus[ed] to advance this case to discovery,” “deliberate[ly] delay[ed]” ruling on motions, “selective[ly] accept[ed] filings,” and returned motions filed after the stay order was entered. Complainant asserts that these actions “constitute stalking, harassment, and retaliatory tactics, intended to intimidate, exhaust, and obstruct [me] from pursuing justice ... to protect the defendants ... [and] prevent exposure of government misconduct under color of law.”

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) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

The assertions of bias, prejudice, retaliation, and intentional delay 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).

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



JENNIFER WALKER ELROD  
*Chief Judge*