

# Judicial Council for the Fifth Circuit

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United States Court of Appeals  
Fifth Circuit  
**FILED**  
March 13, 2026  
Lyle W. Cayce  
Clerk

Complaint Number: 05-26-90091

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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 in a miscellaneous cause and in a related civil proceeding.

Complainant complains that the judge violated Canons 1, 2, and 3 of the Code of Conduct for United States Judges.<sup>1</sup> In support, Complainant submits that:

- Because a different district judge granted Complainant’s application to proceed in forma pauperis (“IFP application”) in another civil proceeding in April 2025, the subject judge’s denials of his IFP applications in the miscellaneous cause in September 2025 “suggest[ed] bias” and constituted “disparate treatment,” “inconsistent application of the law,” and “discrimination.”

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<sup>1</sup> Canon 1 provides: “A judge should uphold the integrity and independence of the judiciary.” Canon 2 provides: “A judge should avoid impropriety and the appearance of impropriety in all activities. Canon 3 provides: “A judge should perform the duties of office fairly, impartially, and diligently.” See Guide to Judiciary Policy, Vol. 2A, Ch. 2.

- The judge has improperly delayed ruling on Complainant’s motions for “emergency injunctive relief” in the civil proceeding. A review of the record reflects that Complainant’s requests for injunctive relief are not ripe for consideration because he has not served the defendants.

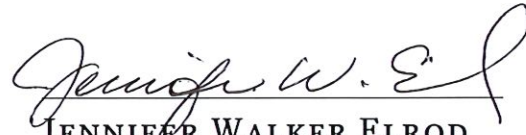
Complainant contends that the judge’s conduct constitutes: “abuse of power; obstruction of justice; gross misconduct; corruption or the appearance thereof; prejudice and bias against me as a litigant; delay and neglect of duties; ... and disrespectful treatment of an indigent pro se party.”

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 (“JC&D Rules”).

The assertions of improper motive, corruption, undue delay/neglect of duties, and bias, 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).

Finally, because Complainant’s requests for injunctive relief are not ripe for consideration, the assertions of undue delay and neglect of duties are frivolous. Regardless, an allegation about delay in rendering a decision or ruling is not cognizable misconduct “unless the allegation concerns an improper motive or habitual delay in a significant number of unrelated cases.” JC&D Rule 4(b)(2). In this case, there is no evidence to suggest that any delays in judicial action were due to an intent to violate Complainant’s right to due process. This aspect of the complaint is therefore 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*