
Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90093

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 Magistrate Judge in a lawsuit he filed.

Allegations of Bias

Complainant contends that the judge demonstrated bias against him when she granted the defendants' opposed motion for an extension of time to respond to a motion filed by Complainant while Complainant's motion was still pending. To the extent this allegation challenges the judge's procedural decision to rule on the defendants' motion before Complainant's motion, the allegation is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii) as "directly related to the merits of a decision or procedural ruling."¹

To the extent Complainant claims that the judge prioritized the defendants' motion over Complainant's because of bias, the allegation is

¹ "Such an allegation may be said to challenge the correctness of an official action of the judge, *i.e.*, assigning a low priority to deciding the particular" motion. *See* Commentary to Rule 4(b)(2) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings ("JC&D Rules").

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.” As the Supreme Court has noted, “[j]udicial rulings almost never constitute a valid basis for a bias or partiality motion.” *Liteky v. U.S.*, 510 U.S. 540, 554 (1994). In addition, it is not surprising and, indeed, logical that the judge would rule on the defendants’ procedural request for additional time to respond to Complainant’s motion before ruling on Complainant’s motion itself. Moreover, doing so is consistent with the discretion given to the judge in handling motions pursuant to the local rules of the judge’s court.

Allegations Regarding False Statement

Complainant also claims the judge falsely stated in an order that she had left her former law firm at the end of 2017 before taking the bench and that she maintained no financial interest in that firm. Complainant alleges that the judge actually remained as “of counsel” with the firm through at least February 18, 2024. Complainant bases this contention on what appears to be a printout of a “findlaw.com” webpage that lists the judge as “of counsel” at her former firm. The webpage printout, which Complainant submitted, indicates that the webpage was updated on February 18, 2024. Notably, the webpage currently reflects it was updated on March 3, 2026 and continues to list the judge as an attorney with her former firm, despite the fact that the firm was acquired by another firm in January of 2024 and no longer exists. The webpage is, therefore, patently outdated and not reliable. Accordingly, Complainant’s allegation that the judge falsely claimed that she did not maintain an interest in her former law firm is 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.” In addition or alternatively, it is subject to dismissal under 28 U.S.C. § 352 (b)(1)(B) because “a limited inquiry ... demonstrates that the allegation[] . . . lack[s] any factual foundation or [is] conclusively refuted by objective evidence.”

Allegations Regarding Retaliation, Discrimination, and Collusion

Complainant further alleges that two months after initially filing his misconduct complaint on September 17, 2025, the judge engaged in a “flurry of activity concerning motions,” which he alleges demonstrates “obvious retaliation against Plaintiff for reporting her judicial and/or [defense] attorney misconduct.” He claims that such alleged retaliation “continues the discrimination by the . . . individual defendants” in his lawsuit; “constitutes discrimination by the Magistrate herself”; and is “evidence of collusion” with the defendants’ attorney and “illegal *ex parte* communications.”

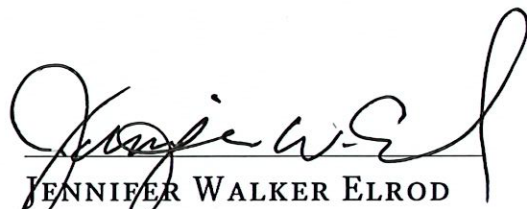
The fact that the judge issued adverse rulings against Complainant approximately two months after he filed his misconduct complaint, is not, without more, evidence that the judge colluded or engaged in *ex parte* communications with the defendants and/or their counsel in his lawsuit, retaliated against him for filing a misconduct complaint, or discriminated against him. Indeed, the record reflects that the judge considered the motions before her and issued rulings as she is required to do as part of her official duties. Complainant provides no evidence that any adverse rulings were the result of retaliation, discrimination, collusion or *ex parte* communications by the judge. These conclusory allegations are, therefore, 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.”

Allegations Regarding Sua Sponte Raising of Qualified Immunity

Finally, Complainant claims that the judge raised the issue of qualified immunity *sua sponte* in her memorandum and order dated November 21, 2025, and imposed an “unjustifiably high standard of proof requirement plaintiff must meet to overcome a qualified immunity defense,” which he contends “is clear judicial misconduct.” Contrary to Complainant’s allegation, the judge found that the defendants, in their motions to dismiss,

raised qualified immunity but that the briefing was not sufficiently developed to allow her to issue a reasoned ruling on that issue. For that reason, consistent with the local rules of her court, the judge permitted the defendants to file a second motion to dismiss addressing qualified immunity more thoroughly. In any event, this allegation is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii) as “directly related to the merits of a decision or procedural ruling.”

The complaint is DISMISSED.



JENNIFER WALKER ELROD
Chief Judge