

FILED

April 10, 2026

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90107

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 brought by the plaintiff against Complainant seeking possession of a property.

Complainant complains that the judge violated Canons 1 and 2 of the Code of Conduct for United States Judges and deprived Complainant of a “fair trial and protection of property rights.” In support of these claims, Complainant alleges that the judge denied his due process rights through erroneous and/or biased rulings. For example:

- “I filed a motion to recuse, citing [the judge’s] bias and the fact that he was named as a defendant in my [42 U.S.C.] § 1983 complaint. [The judge] denied the recusal [motion] the next day without substantive analysis,” and his “continued participat[ion] ... create[d] an appearance of partiality.” Contrary to these claims, a review of the record reflects that neither the recusal motion nor the supporting affidavit stated that the judge had been named as a defendant in a § 1983 suit, and a review of PACER reflects that the § 1983 lawsuit was not filed until two weeks later.

Regardless, while Canon 3C(1) of the Code of Conduct for United States Judges¹ advises judges to recuse from any proceedings in which their impartiality might reasonably be questioned, Advisory Opinion 103 published by the Judicial Conference Committee on Codes of Conduct provides: “Automatic disqualification of a judge cannot be obtained by the simple act of suing the judge, particularly where the suit is primarily based on the judge’s prior judicial rulings.”²

- The judge “schemul[ed] hearings on withdrawn or unfiled motions.” Complainant provides no further information in support of this claim. However, a review of the record reflects that the judge denied Complainant’s motion to withdraw the TRO motion, and the TRO motion was then addressed during a subsequent hearing.
- An order entered by the judge “created jurisdictional conflict” with an automatic stay entered by the bankruptcy court, “an appeal of title issues” pending before the state supreme court, and an order entered nine months later in a bankruptcy appeal.
- The judge “allow[ed] ex parte-style service during hearings.” Complainant provides no further information in support of this claim.

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

¹ Guide to Judiciary Policy, Vol. 2A, Ch. 2, at 8.

² Guide to Judiciary Policy, Vol. 2B, Ch. 2, at 185.

not be used to challenge the correctness of a judge's ruling or decision. *See* Rule 4(b)(1).

The conclusory assertion of bias 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.” Adverse decisions alone do not constitute evidence of bias. *See Liteky v. United States*, 510 U.S. 540, 555 (1994).

Complainant further alleges that the judge made prejudicial remarks that demonstrated intentional denial of Complainant's due process rights during the contempt hearings. For example:

- When Complainant explained that he had not obeyed Judge Starrett's order to remove contents and equipment from the property because they belonged to “a separate entity [operated by Complainant] that has a trustee,” the judge replied, “That's your problem.”
- The judge “declar[ed] ‘the contempt has been established’ before hearing my defense.” A review of the hearing transcript reflects that while the judge found that the plaintiff had established the prima facie elements of contempt, he explicitly stated that Complainant could present evidence and/or cross-examine witnesses to prove that he had not violated a court order.
- The judge “sustain[ed] objections to block cross-examination on title and lis pendens.” A review of the hearing transcript reflects that during Complainant's cross-examination of a witness, plaintiff's counsel objected multiple times to Complainant's questions that were unrelated to the contempt issue, e.g., Complainant repeatedly asked the witness questions about the title to the

property. The judge instructed Complainant numerous times to confine his questions to the issues raised in the contempt motion.

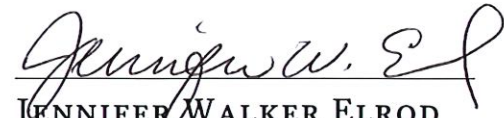
- At the end of the second hearing, the judge “prolong[ed] uncertainty” by “leaving the matter under advisement, with no ruling.” The record reflects that the judge granted plaintiff’s motions for a pre-filing injunction and contempt less than two months after conclusion of the hearing.

To the extent that these allegations relate directly to the merits of decisions or procedural rulings, including the two-month delay in issuing a decision after the contempt hearings,³ they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

The allegation that the judge’s remarks—which were related to the issues before the court—were “prejudicial” and demonstrated intentional denial of Complainant’s due process rights 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.” See *Liteky v. United States*, 510 U.S. 540, 555-56 (1994) (“Opinions formed by a judge based on facts introduced or events occurring during proceedings do not constitute a valid basis of finding a bias unless they reveal a high degree of favoritism or antagonism that would make fair judgment impossible. Thus, judicial remarks during the course of a trial that are critical of, or even hostile to, counsel, the parties, or their cases, ordinarily do not support a bias or partiality challenge.”).

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

³ “A complaint of delay in a single case is excluded as merits-related. 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 case.” Commentary to JC&D Rule 4(b)(2), Guide to Judiciary Policy, Vol. 2E. Ch. 3, at 12-13.


JENNIFER WALKER ELROD
Chief Judge