

FILED

May 6, 2026

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-26-90116 through 05-26-90118

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 Chief United States District Judge, a United States District Judge, and a United States Magistrate Judge in a civil proceeding.¹

Complainant complains that the chief district judge, the presiding district judge, and the magistrate judge failed to correct the “administrative failures” and “mishandling” by district court clerk’s office personnel in docketing his filings and thereby denied him due process because the magistrate judge’s Report and Recommendations (“R&R”) and the presiding district judge’s dismissal order were based on an incomplete record. In support, Complainant submits:

- On October 9, 2025, the magistrate judge “issued an R&R despite the existence of motions and amendments that were already delivered to the Clerk but not docketed. This

¹ To the extent that Complainant also alleges misconduct by district court clerk’s office staff, the complaint procedures in 28 U.S.C. § 351-364 do not apply to non-judicial court personnel. *See* Rules 1(b) and 8(d) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings (“JC&D Rules”). As provided by Fifth Cir. Proc. 1(b), complaints against non-judicial court personnel should be made to the individual’s supervisor and, as Complainant states in the instant complaint, he previously brought the alleged misconduct to the attention of the chief district judge.

created an incomplete record.” Contrary to Complainant’s claim, the record reflects that the only document that was filed but not yet docketed at that time the R&R was issued was Complainant’s letter requesting prompt rulings on pending motions—the letter was marked “filed” on October 8, 2025, but the corresponding docket text was entered on October 10, 2025. Because the request does not appear relevant to the issues addressed in the R&R, it is unclear why Complainant claims that the R&R was based on an incomplete record.

- On October 31, 2025, the presiding district judge dismissed Complainant’s claims with prejudice “before reviewing the operative filings, objections, or amended pleadings,” i.e., those filings were not docketed until after the case was dismissed. Contrary to this claim, the docket text corresponding to the objections, supplemental objections, and motion for leave to file an amended complaint were entered on October 16, 2025, and the supplemental declaration was entered on October 30, 2025. Furthermore, the dismissal order explicitly referred to Complainant’s objections and supplemental objections and denied all pending motions as moot.

These allegations 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.”

Complainant further complains that:

- The presiding district judge denied Complainant’s Rule 59(e) motion “in a text-only entry without addressing the docketing irregularities, without acknowledging the

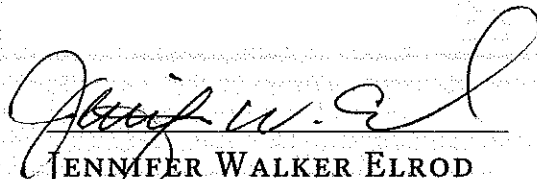
delayed filings, and without demonstrating that my objections or amended complaint were ever reviewed.”

- The chief district judge, who “has administrative and supervisory responsibility over docketing, clerical handling, and the processing of pro se filings,” took no action in response to Complainant’s letter complaining about these issues and asking her to “reinstate” the (open) case.

Complainant’s allegation about the presiding district judge’s denial of the Rule 59(e) motion relates directly to the merits of decisions or procedural rulings. Likewise, the allegation that the chief district judge took no action in response to Complainant’s complaints against clerk’s office staff is directly related to the merits of official administrative decisions.² In addition, it was entirely proper for the chief district judge not to respond to a request to reopen a case pending before another district judge.

These allegations are therefore 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* JC&D Rule 4(b)(1).

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


JENNIFER WALKER ELROD
Chief Judge

² The commentary to Rule 4(b)(1) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings provides that, “the phrase ‘decision or procedural ruling’ is not limited to rulings issued in deciding Article III cases or controversies” and can include an official administrative determination— even though it does not concern the judge’s rulings in Article III litigation.