

FILED

May 19, 2026

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90128

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

ORDER

Complainant, a federal prisoner, has filed a complaint alleging misconduct by a United States District Judge in Complainant's criminal proceeding.

Complainant complains that the judge violated Canons 1, 2, and 3 of the Code of Conduct for United States Judges.¹ In support, Complainant claims:

- The judge failed to conduct “a proper in-camera review” of the government's Confidential Source records and denied Complainant's motion for a new trial “without addressing discrepancies” in those records.

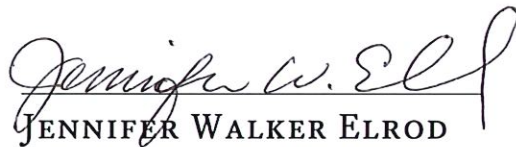
¹ Canon 1 provides: “A judge should uphold the integrity and independence of the judiciary.” Canon 2 provides: “A judge should avoid impropriety and the appearance of impropriety in all activities.” Canon 3 provides: “A judge should perform the duties of the office fairly, impartially and diligently.”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

- The judge denied Complainant’s second motion for a new trial “without addressing” the evidence that the government “fabricated the existence of a second confidential source.”
- The judge denied Complainant’s 28 U.S.C. § 2255 motion “on procedural grounds, without addressing the merits.”
- The judge “misclassified” Complainant’s motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) as a motion for sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) and denied it without “addressing the merits of my claims.” Contrary to this claim, a review of the record reflects that in an order entered in February 2025 addressing Complainant’s motion for reconsideration, the judge explained that the errors were confined to the docket entries and clarified that Complainant’s motion for compassionate release remained pending before the court.
- To “avoid” entering a “ruling that expose[s] government misconduct,” the judge unduly delayed ruling on a motion filed by Complainant in November 2024, seeking reconsideration of an order entered in July 2022, denying Complainant’s 28 U.S.C. § 2255 motion. Contrary to this claim, a review of the record reflects that the motion for reconsideration became ripe for consideration in mid-January 2025, and the judge entered an order denying the motion in late February 2025.
- The judge’s “pattern” of “avoiding rulings on merits” and “avoiding rulings that expose government misconduct” constitute evidence of judicial bias.

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 decision or ruling.

The assertions of improper motive and undue 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 improper motive.

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


JENNIFER WALKER ELROD
Chief Judge