

FILED

May 19, 2026

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-26-90125 and 05-26-90126

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 and a United States Magistrate Judge in Complainant's pending civil proceeding.

Complainant complains that:

- Service of process was “mandatory once IFP [was] granted” in May 2025, but the judge and the magistrate judge have failed to order service on the defendants.
- “My objections [to the magistrate judge’s Report and Recommendations (“R&R”)] were docketed the same date and time as [the judge entered] the order claiming de novo review.” Contrary to this claim, a review of the record reflects that: Complainant’s initial objections were docketed in July 2025; the judge’s withdrawn order overruling the initial objections was in late July 2025; Complainant’s supplemental objections were docketed in mid-August 2025; and the judge’s order overruling both sets of objections was entered in mid-September 2025.

- “[In early September] 2025, I filed an Amended Verified Complaint This pleading removed [Defendant X] and added defendants. Subsequent orders nonetheless continued to reference [Defendant X], demonstrating reliance on a superseded pleading.”
- “[In September 2025], the Court withdrew [its prior order adopting the R&R] and re-adopted [the R&R] the same day without addressing objections or the operative complaint.”
A review of the record reflects that in the September 2025 order, the judge granted, in part, Complainant’s motion for reconsideration, withdrawing the court’s prior order adopting the R&R so the court could consider Complainant’s supplemental objections. In a second order entered on the same date, the judge noted that Complainant had filed objections and supplemental objections, stated that the court had “conducted a de novo review with respect to those matters raised by [Complainant’s] objections,” concluded that “the objections lack merit,” summarized the magistrate judge’s findings and recommendations regarding Complainant’s claims, and adopted the recommendations.
- The judge’s adoption of the magistrate judge’s recommendations dismissing certain claims and directing Complainant to file an amended complaint constituted a “[coerciv[e] threa[t] of dismissal unless the complaint was narrowed to selected defendants and claims.”
- The magistrate judge “denied my Rule 27 motion to perpetuate testimony, despite no service having occurred, active jurisdictional disputes, preservation concerns, [and]

my express non-consent to magistrate jurisdiction under 28 USC § 636(c).”¹

- ADA accommodations that had been granted were subsequently “ignored.” The sole example Complainant provides is that despite being granted until mid-August 2025 to file objections to the R&R, the judge entered an order adopting the recommendations in late July 2025. However, as discussed above, the magistrate judge granted Complainant’s motion for an extension to file objections to the R&R until mid-August 2025. Complainant filed her initial objections in late July 2025 and the judge issued an order adopting the R&R. Thereafter, Complainant sought reconsideration of the order in light of the extended deadline and filed supplemental objections. In response, the judge withdrew the order, considered Complainant’s supplemental objections, and issued a new order adopting the R&R.
- The judge and/or the magistrate judge and/or the district court clerk’s office “interfered with the appellate process” by “refusing to forward a timely Notice of Appeal.” In support, Complainant states that she “received an order stating the [notice of interlocutory] appeal would not be forwarded, citing an alleged requirement for a separate IFP application for the Fifth Circuit, despite existing IFP status and no finding of bad faith.” Complainant does not identify the relevant order, and no such order was found in a review of the record. Furthermore, the district court record

¹ A litigant has no right to object to the assignment of nondispositive matters to a magistrate judge under 28 U.S.C. § 636(b). *See Jackson v. Cain*, 864 F.2d 1235, 1242 (5th Cir. 1989).

reflects that Complainant filed a notice of interlocutory appeal on September 24, 2025, and the notice was docketed by the court of appeals on October 1, 2025. A delay of seven days in transmitting a notice of appeal does not constitute evidence of “interference with the appellate process.”

- The judge and the magistrate judge engaged in “disparate procedural treatment of a disabled litigant” and gave the “[a]pppearance of partiality, coercion, and institutional bias.”

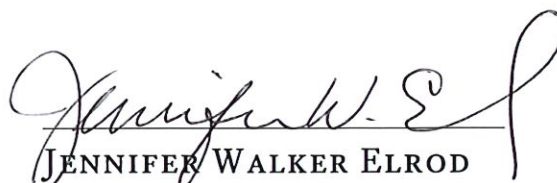
To the extent that these allegations relate directly to the merits of decisions or procedural rulings, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). The complaint procedures in 28 U.S.C. §§ 351-364 may not be used to challenge the correctness of a judge’s ruling or decision. *See* Rule 4(b)(1) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.²

The assertions of coercion, intentional interference with the appellate process, bias, and disparate treatment of disabled litigants 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 “jurisdictional challenges, motions to vacate, ADA accommodation requests, and clarification motions remain unaddressed,” and “no dismissal order, findings of fact, or conclusions of law have ever issued.” A review of the record reflects that the case has proceeded normally, without any periods of undue delay. This allegation is 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.”

² Guide to Judiciary Policy, Vol. 2E, Ch. 3.

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



JENNIFER WALKER ELROD
Chief Judge