

FILED

June 11, 2026

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90133

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 Complainant's civil proceeding.

Complainant complains that the judge has violated Canons 1, 2, 2A, 3A(1), 3A(4), and 3B(1) of the Code of Conduct for United States Judges¹ by "engag[ing] in a sustained pattern of obstructive and biased conduct" on remand, "a pattern that is not merely one of error, but of willful bad faith," actions which "have nullified a unanimous Fifth Circuit victory and

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 2A provides: "A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." Canon 3A(1) provides: "A judge should be faithful to, and maintain professional competence in, the law and should not be swayed by partisan interests, public clamor, or fear of criticism." Canon 3A(4) provides: "A judge should accord to every person who has a legal interest in a proceeding, and that person's lawyer, the full right to be heard according to law." Canon 3B(1) provides: "A judge should diligently discharge administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court personnel." See Guide to Judiciary Policy, Vol. 2A, Ch. 2.

weaponized judicial authority against me, a pro se plaintiff whose religious rights were unequivocally affirmed.”

— *Failure to follow Fifth Circuit mandate*

Complainant states that during the pretrial conference held in April 2024, the judge “explicitly acknowledged the foundational principle of appellate hierarchy and his mandatory duty to comply” with the mandate in *Appeal I*. Complainant complains that contrary to this acknowledgment, the judge has “nullified” his “victory” in *Appeal I* “by systematically denying every procedural motion required to implement” the mandate and ignoring “the Circuit’s specific order” in *Appeal II* “to obtain a ‘final judgment’.” Complainant asserts that the judge’s conduct “constitute[s] a complete and knowing violation of this declared duty ... to ‘carry out the mandate’.” However, as the panel in *Appeal II* explained, Complainant’s assertion that the judge has “refus[ed] to enforce” the mandate in *Appeal I* is incorrect.

Complainant further complains that the judge has demonstrated a “pattern of prior judicial overreach already sanctioned by Fifth Circuit.” In support of this claim, Complainant states:

In 2024, I filed a Mandamus Petition that was granted by the Fifth Circuit, which halted pretrial proceedings due to [the judge’s] refusal to acknowledge and follow controlling precedent. That rare intervention by the appellate court was a direct rebuke of [the judge’s] unlawful handling of the case. Yet, despite this warning and correction, his pattern of defiance has persisted even after a binding reversal further demonstrating a willful abuse of judicial authority.

A review of Complainant’s appellate cases reflects that he filed a petition for a writ of mandamus in August 2024. However, contrary to Complainant’s claim that the petition was granted, the record reflects that the petition was dismissed for want of prosecution in October 2024. If

Complainant is referring the Fifth Circuit's opinion in *Appeal I* remanding the case for further proceedings, the allegation of "defiance" appears to be repetitive of Complainant's earlier claim that the judge has willfully failed to "carry out the mandate." Regardless, Complainant has not presented sufficient evidence of a "pattern of prior judicial overreach."

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."

– *Constitutional violations and pattern of retaliation*

Noting that he "consistently raised issues of racial and religious discrimination, both in written motions and oral testimony," Complainant complains that "rather than safeguarding these rights," the judge "allowed or perpetuated hostile suppression, obstruction of filings, and the enforcement of unconstitutional limitations on [my] speech in the courtroom." Complainant asserts that the judge's decisions demonstrated a "pattern of retaliation" against Complainant for exercising his constitutional rights.

For example, Complainant alleges that during the pretrial conference in April 2024, the judge violated his constitutional rights by imposing a "gag order on racial discrimination evidence." A review of the record reflects that Complainant appears to be referring to the judge's decision to grant the following request in the defendant's motion in limine: "Any reference to allegations of, testimony, or evidence regarding allegations of race discrimination against [defendant] as that is not a claim before the jury and is substantially more prejudicial than probative."

Complainant concludes that the judge's "repeated refusal to protect these rights and [his] ongoing alignment with [defense] counsel in suppressing material facts constitute retaliatory misconduct and judicial bias."

To the extent that Complainant is challenging the correctness of the judge's decision on the motion in limine, the allegation relates directly to the merits of decisions or procedural rulings and is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). The allegation that the judge's decision was retaliatory 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."

– *"Judicial perjury"*

Complainant complains that during the pretrial conference in April 2024, the judge engaged in a "shocking abuse of power" by "repeatedly stat[ing] from the bench that I rejected the inclusion of religious language in settlement discussions. ... This fabrication was used to justify dismissing enforcement motions, constituting perjury under color of law to deny justice." Contrary to Complainant's claim, a review of the transcript reflects that: the settlement proceeding was referred to once, i.e., by the judge in addressing a request in the defendant's motion in limine to exclude "[a]ny testimony concerning settlement"; the judge granted the request and explained that Complainant was prohibited from mentioning that the parties "had gone to mediation"; and the judge did not say that Complainant "rejected the inclusion of religious language in settlement discussions" or make any similar statement during the hearing.

Because Complainant has presented no evidence that the judge fabricated facts to support adverse decisions, this allegation 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."

— *Failure to enforce "binding settlement agreement"*

A review of the record reflects that a United States Magistrate Judge conducted a settlement conference in February 2024, and the corresponding docket entry states that "the case did not settle." Contrary to this record,

Complainant asserts that the parties reached “a binding settlement agreement,” and he complains that “without permitting a hearing, witness testimony, or review of evidence,” the judge has denied his motions to enforce the settlement agreement.

This allegation relates directly to the merits of decisions or procedural rulings and is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

— *Bias*

Complainant complains that the judge has demonstrated “extreme bias and partiality” by summarily denying “every motion I filed,” whereas “[the defendant] faces no judicial scrutiny. Comments such as ‘you win some, you lose some,’ made before any factual hearing, reveal prejudgment and contempt.” A review of the record reflects that the first claim is not accurate because in December 2021 and October 2025, the judge granted motions filed by Complainant. Regardless, adverse opinions alone do not constitute evidence of bias. As to the second claim, a review of the transcript of the pretrial conference held in April 2024—the only hearing conducted by the judge to date—reflects that the judge did not say “you win some, you lose some” or make any similar statement.

Complainant further complains that the judge “refus[ed] to recuse despite clear evidence of bias arising from his reversed judgment and adversarial posture.” Complainant provides no further information in support of this allegation, but we note that he filed a motion on September 26, 2025, requesting, in part, that the case be reassigned “due to [the judge’s] repeated judicial bias” throughout the case and “display [of] disdain for me” during the pretrial conference.

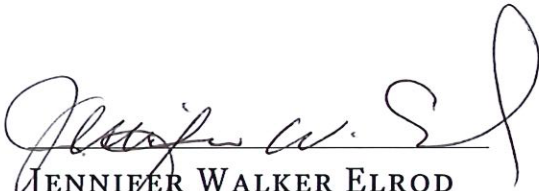
To the extent that these allegations relate directly to the merits of decisions or procedural rulings, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). The assertions of “extreme bias,” prejudice, and

contempt 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.”

— *Delay*

Complainant complains that the judge “has taken no meaningful action to move the case forward” on remand, “no hearings, no scheduling orders, no status conferences. This is an abdication of duty under Canon 3 to ‘dispose of all judicial matters promptly, efficiently, and fairly’.” Contrary to this claim, a review of the record reflects that since the case was remanded to the district court in October 2023, the judge has referred the case for a settlement conference, held a pretrial conference, and issued orders promptly. It appears that the delays in the proceeding are due to Complainant filing appeals, and in each instance, the judge promptly recommenced the proceedings after receiving notice of the disposition of the appeal. The assertion of undue delay 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.”

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


JENNIFER WALKER ELROD
Chief Judge

FILED

August 31, 2026

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90133

IN RE COMPLAINT OF [REDACTED] AGAINST [REDACTED]
[REDACTED]

UNDER THE JUDICIAL IMPROVEMENTS ACT OF 2002.

ORDER

An Appellate Review Panel of the Judicial Council for the Fifth Circuit has considered [REDACTED] petition for review of the order of Chief Judge Jennifer Walker Elrod, filed June 11, 2026, dismissing the above-captioned complaint against [REDACTED] under the Judicial Improvements Act of 2002.

All members of the panel have voted to affirm the order. Accordingly, the petition for review is DENIED.

Catharina Haynes

Catharina Haynes
United States Circuit Judge
For the Judicial Council of the Fifth Circuit