

FILED

July 20, 2026

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-26-90148

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 post-conviction proceedings.

Complainant complains the judge denied his motions "to either get my charge/case dismissed, vacated or reduction of sentence" and is biased against him because, in an order entered in November 2025 denying Complainant's motion to reduce sentence, the judge stated that the facts of Complainant's case were "extremely troubling" and "made it clear that even if I have a compelling motion, he will deny it without question." Complainant asserts that the judge's statement "was uncalled for, unjust and unethical" because "I was a first-time offender," "I took responsibility for my actions," and "since being in prison, I have taken a number of classes to better myself and I have even maintained a job while being incarcerated." Complainant further complains that the order stated an erroneous sentencing date.

To the extent Complainant alleges that the judge's decisions or findings were erroneous, those allegations are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii) as "directly related to the merits of a decision or procedural ruling." The complaint procedures in 28 U.S.C. §§ 351-364 may

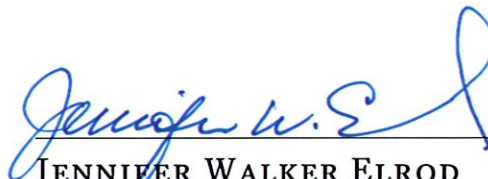
not be used to challenge the correctness of a judge's ruling or decision. *See* Rule 4(b)(1) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.¹

Regarding Complainant's allegation that the judge's statement constitutes evidence that the judge will deny all of Complainant's future motions "without question," Complainant has misinterpreted the statement in the judge's order. The statement was not opining on the merits of a future hypothetical motion. Rather, the judge was analyzing the requisite factors relevant to the motion pending before him.

Regarding the critical statements about Complainant and his crime, the Supreme Court of the United States has held that "[t]he judge who presides at a trial may, upon completion of the evidence, be exceedingly ill disposed towards the defendant, who has been shown to be a thoroughly reprehensible person. But the judge is not thereby recusable for bias or prejudice, since his knowledge and the opinion it produced were properly and necessarily acquired in the course of the proceedings, and are indeed sometimes (as in a bench trial) necessary to completion of the judge's task." *Liteky v. United States*, 510 U.S. 540, 550-551 (1994).

The allegations of bias are 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

¹ Guide to Judiciary Policy, Vol. 2E, Ch. 3, at 9.