

FILED

April 10, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-25-90039

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

ORDER AND MEMORANDUM OF REASONS

Complainant, a pro se litigant, has filed a complaint alleging misconduct by the subject United States Magistrate Judge in a pending civil proceeding.

Complainant alleges that the judge “engaged in conduct that was unprofessional, biased, and detrimental to my ability to fairly present my case as a pro se litigant.” For example:

- During a scheduling conference, the judge advised Complainant that pro se litigants are bound by the rules and procedures of the district court and suggested Complainant read the Federal Rules of Civil Procedure or a book explaining court procedures for non-lawyers. Complainant asserts that the judge’s remarks were “unprofessional, ... condescending and humiliating, especially given that [they were] made in a public form with other case participants present.”
- During the same hearing, the judge also commented that Complainant’s motion for summary judgment was “too early” and would likely be denied “or put on hold” by the presiding United States District Judge. Complainant asserts that the judge’s

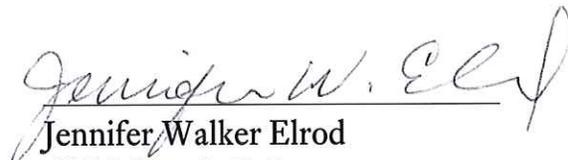
comments demonstrated “an improper prejudgment of my motion and indicated a bias against my position” and against pro se litigants.

The judge’s statements do not demonstrate misconduct, and these allegations are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii) as “lacking sufficient evidence to support a finding of judicial misconduct.”

Additionally, Complainant states that the judge’s comments have created an appearance of partiality such that defense counsel “has since attempted to persuade me to consent to have all proceedings in my case handled by [the judge]. This suggests that he believes she would be favorable to his side.”

Defense counsel’s encouraging Complainant to consider consenting to proceed before the judge is not evidence of prejudice or bias on the part of the judge. Therefore, this allegation is also 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.”

An order dismissing the complaint is entered simultaneously herewith.


Jennifer Walker Elrod
Chief Circuit Judge

FILED

May 27, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-25-90039

IN RE COMPLAINT OF [REDACTED]
AGAINST [REDACTED]

UNDER THE JUDICIAL IMPROVEMENTS ACT OF 2002.

ORDER

An Appellate Review Panel of the Judicial Council for the Fifth Circuit has reviewed the above-captioned petition for review, and all the members of the Panel have voted to affirm the order of Chief Judge Jennifer Walker Elrod, filed April 10, 2025, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The order is therefore AFFIRMED.



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