

# Judicial Council for the Fifth Circuit

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United States Court of Appeals  
Fifth Circuit  
**FILED**  
April 7, 2025  
Lyle W. Cayce  
Clerk

Complaint Numbers: 05-25-90035  
through 05-25-90037

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

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## ORDER AND MEMORANDUM OF REASONS

Complainant, a federal prisoner, has filed a complaint alleging misconduct by a United States District Judge and United States Magistrate Judge A in *Case I*, and by United States Magistrate Judge B in *Case II*.

### *Case I*

Complainant complains that, in violation of her due process rights, Magistrate Judge A's adverse recommendations and the district judge's adoption of the recommendations were "prejudiced and biased off outside influence" from the defendant-Chief United States District Judge X.

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 conclusory assertions of "outside influence," bias, and prejudice are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii) as lacking sufficient evidence to support a finding of judicial misconduct.

### *Case II*

This case was initially assigned to Chief Judge X who, as a defendant in the case, promptly entered an order of recusal. The case was reassigned to another district judge. Preliminary matters were referred to Magistrate Judge

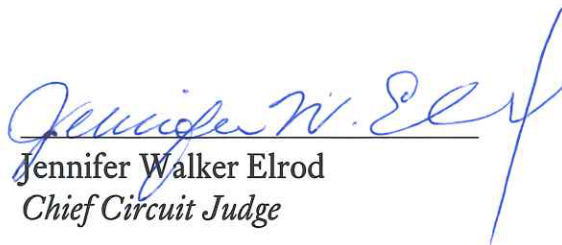
B who recommended dismissal of Complainant's claims, with prejudice, for failure to state a claim upon which relief could be granted.

Without presenting any evidence in support of the claim, Complainant asserts that Chief Judge X "contacted" Magistrate Judge B who improperly "allowed" Chief Judge X to recuse. Complainant further alleges that Magistrate Judge B entered adverse recommendations "due to bias and prejudice toward[s] [me] due to his Chief District Judge being named as a defendant" in the case.<sup>1</sup>

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 conclusory assertions of improper ex parte communication, bias, and prejudice are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii) as lacking sufficient evidence to support a finding of judicial misconduct.

Judicial misconduct proceedings are not a substitute for the normal appellate review process, nor may they be used to obtain reversal of a decision or a new trial.

An order dismissing the complaint is entered simultaneously herewith.

  
Jennifer Walker Elrod  
Chief Circuit Judge

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<sup>1</sup> If Complainant had named Chief Judge X as a subject of the instant complaint, the conclusory assertions that Chief Judge X engaged in improper ex parte communications would have been subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii) as lacking sufficient evidence to support a finding of judicial misconduct.