

FILED

July 17, 2026
Lyle W. Cayce
Clerk

**Judicial Council
For the Fifth Circuit**

Complaint Numbers: 05-26-90151 and 05-26-90152

In Re Complaint of Brian P. Carr Against
United States District Judge Karen Gren Scholer and
United States Magistrate Judge Rebecca T. Rutherford,
Northern District of Texas,
Under the Judicial Improvements Act of 2002.

ORDER

Pro se litigant Brian P. Carr has filed two complaints alleging misconduct by United States District Judge Karen Gren Scholer and United States Magistrate Judge Rebecca T. Rutherford, Northern District of Texas, in Carr v. United States, USDC No. 3:23-CV-2875 (N.D. Tex.). Carr's request that the complaints be consolidated is GRANTED.

Carr complains that Judge Rutherford "made numerous false and misleading statements in the decisions she filed." In support of this claim, Carr provides two examples:

- (1) In Findings, Conclusions, and Recommendation ("FCR") entered on February 27, 2025, Judge Rutherford stated that Carr's wife and sister-in-law "allege that United

States Citizenship and Immigration Services (USCIS) violated their due process rights by initially denying their visa applications before approving them."¹ Carr asserts that this statement "is simply false" because non-immigrant visa applications are processed by the Department of State through the Bureau of Consular Affairs, not by USCIS.

- (2) In a FCR entered on November 10, 2025, instead of correcting the original false statement "based on the refutation in" Carr's filings, Judge Rutherford "replaced" it "with another false statement quoting from the defendants' Motion to Dismiss which was previously shown to be false in the original Motion for Sanctions."

Carr further complains that in an order entered on December 15, 2025, Judge Scholer "falsely" stated that she had "confirmed the accuracy of every statement in both FCRs including the ones which are demonstrably false, and which were challenged in [Carr's] Objections." Without providing any evidence, Carr concludes that these rulings demonstrate that Judges. Scholer and Rutherford "knowingly and willfully" engaged in "criminal collusion" with the defendants "to conceal violations by the agencies."

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 conclusory assertion that the judges colluded with the defendants 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." Adverse decisions alone are not sufficient to establish improper motive. See *Liteky v. United States*, 510 U.S. 540, 555 (1994).

¹ *Carr v. United States*, USDC No. 3:23-CV-2875 (N.D. Tex.), Findings, Conclusions, and Recommendation entered February 27, 2025 (Docket No. 61), at 3, n.1.

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

The complaint is DISMISSED.

/s Jennifer W. Elrod

Jennifer Walker Elrod
Chief Judge