

bankruptcy matter and the scope of counsel's representation. After answering several questions from complainant, the judge granted the motion for disbursement. Complainant asked if he would get any money back, to which the judge responded in the negative. As complainant was leaving the courtroom, the judge asked that the marshal take him into custody. The marshal and county deputies placed complainant under arrest on charges that, two months earlier, complainant had threatened to blow up his former attorney's office.

Complainant alleges in his judicial complaint that the bankruptcy judge appeared to be in a conspiracy with complainant's former attorney and the bankruptcy trustee. He alleges that the judge spoke to him condescendingly, as if he were speaking to a child, offending and insulting him. Finally, he alleges that the judge overstepped his judicial bounds by assisting in complainant's arrest.

The Judicial Conduct and Disability Act provides a remedy for conduct "prejudicial to the effective and expeditious administration of the business of the courts," 28 U.S.C. § 351(a), including "treating litigants, attorneys, or others in a demonstrably egregious and hostile manner." Rule 3(h)(1)(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings. See Canon 3A(3) & (4), Code of Conduct for United States Judges (judges should be patient, respectful, and courteous, and accord

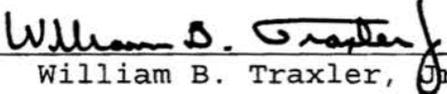
litigants the full right to be heard according to law). Claims of misconduct must be supported by sufficient evidence to raise an inference that misconduct has occurred, and cannot be based on mere speculation. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Doe, 2 F.3d 308 (8th Cir. 1993).

The record in complainant's case contains an audio recording of the hearing in question. The recording clearly shows that the bankruptcy judge treated complainant with patience, respect, and courtesy. The judge afforded complainant a full opportunity to be heard, answered any questions complainant had, and carefully laid out the reasons for his decision. The complainant's dissatisfaction with the judge's explanation of bankruptcy procedure is not cause for a misconduct complaint.

Complainant's allegations that the judge conspired with counsel and abused his office by cooperating in complainant's arrest are also without merit. The judge did not overstep his judicial boundaries or engage in any other form of misconduct by directing the marshal to detain complainant so that a valid arrest warrant could be executed. The arrest is not evidence that the judge was engaged in a conspiracy or biased against complainant.

The record fails to provide any factual support for a judicial misconduct claim. Accordingly, this complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(iii).

IT IS SO ORDERED.



William B. Traxler, Jr.
Chief Judge