

in the bankruptcy court but the district judge focused solely on the order denying complainant's motion to vacate, which was the only issue addressed by the appellee. Complainant asserts, among other errors, that (1) the judge granted appellee an extension of time despite appellee's improper filing of a motion for extension and brief without notice to complainant, (2) the judge used the term "debtor" when referring to complainant despite the fact that complainant had paid off his loans, and (3) the judge and the appellee covered up the subject matter of complainant's appeal.

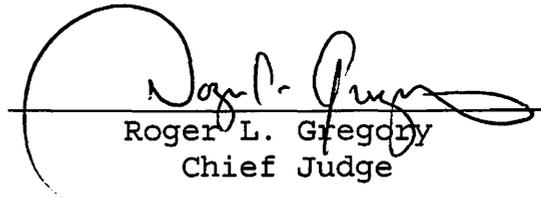
The Judicial Conduct and Disability Act does not allow review of claims that are "directly related to the merits of a decision or procedural ruling." 28 U.S.C. § 352(b)(1)(A)(ii). To obtain misconduct review of merits-related claims, the complainant must provide "clear and convincing evidence of a judge's arbitrary and intentional departure from prevailing law based on his or her disagreement with, or willful indifference to, that law," In re Memorandum of Decision, 517 F.3d 558, 562 (U.S. Jud. Conf. 2008), or evidence that the judge's ruling was the result of a bribe, ex parte contact, racial bias, or other improper motive, Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings. The evidence presented must be sufficient "to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(iii). If "the only support for the

allegation of bad acts or motive is the merits of the judge's ruling," the complaint must be dismissed. In re Doe, 640 F.3d 869, 873 (8th Cir. Jud. Council 2011).

Complainant's allegations that the judge improperly limited her review to the appellee's issue, improperly considered appellee's brief, improperly referred to complainant as a "debtor," and improperly concealed the subject-matter of complainant's appeal are merits-related allegations. Complainant has not presented, and the record does not disclose, any evidence to suggest that the judge's rulings were the result of bias, willful indifference to prevailing law, or other misconduct.

Complainant may challenge the judge's decision through his pending appeal, but his judicial complaint must be dismissed as directly related to the merits of the judge's rulings and as lacking in factual support for a claim of misconduct. 28 U.S.C. § 352(b)(1)(A)(ii) & (iii).

IT IS SO ORDERED.


Roger L. Gregory
Chief Judge