IT IS ORDERED as set forth below:

Date: March 5, 2013

James E. Massey
U.S. Bankruptcy Court Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	CASE NO. 09-82915
Hindu Temple and Community Center of Georgia, Inc.,	CHAPTER 11
Debtor.	JUDGE MASSEY

ORDER DENYING MOTION TO RECUSE

On February 19, 2013, Annamalai Annamalai, who controlled Debtor Hindu Temple and Community Center of Georgia, Inc. prior to the appointment of a trustee in this case, filed a motion to recuse me, alleging bias. Among other grounds, he asserts that I am biased against him based on his religion, race, and ethnicity and based on an alleged criminal conspiracy involving the Chapter 11 Trustee, the Trustee's attorneys, a member of a creditor, attorneys representing creditors, and others. The circumstances underlying his latter assertion are also the subject of an action against the same persons filed on August 24, 2012 in the U. S. District Court for the

Northern District of Georgia (Case No. 1:12-cv-02941-SCJ), as well as the subject of proceedings in this case and of a District Court case filed prior to the filing of this Chapter 11 case.

As Mr. Annamalai points out, 28 U.S.C. § 455 deals with disqualifications of judges. 28 U.S.C. § 144, which Mr. Annamalai also cites, by its terms only applies to U.S. District Judges and is therefore inapplicable here. Even if it were to be decided that section 144 applies to bankruptcy judges, section 455 is more stringent than section 144. The relevant portions of section 455, as Mr. Annamalai points out, are subsections (a) and (b)(1), which provide as follows:

> (a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.
>
> (b) He shall also disqualify himself in the following circumstances:
>
> > (1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding[.]

I. Procedure in Ruling on a Motion to Recuse or Disqualify.

Mr. Annamalai argues in his brief supporting his motion that a motion to recuse must be referred to another judge. He is mistaken. Although it would not be error for a judge to refer a motion to recuse him or her to another judge, *U.S. v. Craig*, 853 F.Supp. 1413, 1415 (S.D.Fla. 1994), a motion to recuse is properly decided by the judge to whom the motion is addressed. *In re Bernard*, 31 F.3d 842, 843 (9th Cir. 1994); *U.S. v. Balistrieri*, 779 F.2d 1191, 1202 (7th Cir. 1985) ("Section 455(b)(1) is directed to the judge and is self-executing."); *In re Corrugated Container Antitrust Litigation*, 614 F.2d 958, 963 (5th Cir. 1980).

II. Standards.

Liteky v. U.S., 510 U.S. 540, 114 S.Ct. 1147 (1994) involved an appeal from the denial of a motion to recuse a District Judge pursuant to section 455(a) made prior to and during the trial of several defendants before a jury in 1991. The motion was based on rulings and remarks the judge made in an earlier bench trial of a different defendant on similar charges and on admonishments of trial counsel and defendants in the 1991 trial. The District Court denied the motion, the defendants were convicted, and they appealed. The Eleventh Circuit affirmed, and its decision was affirmed by the United States Supreme Court.

Under the so-called "extrajudicial source" doctrine, most courts had held that remarks and rulings of a judge in the current or a prior proceeding could not be the basis for finding a "personal" bias – the source of such bias had to arise outside of judicial proceedings. The issue in *Liteky* was whether the extrajudical source doctrine applied under section 455(a), which, unlike section 455(b)(1) does not contain the word "personal." The Court held that under both section 455(a) and section 455(b)(1), the remarks, opinions and rulings of the trial judge in current or prior proceedings may not be the basis for finding that the judge is biased, except "in the rarest of circumstances."

> First, judicial rulings alone almost never constitute a valid basis for a bias or partiality motion. See *United States v. Grinnell Corp*., 384 U.S., at 583, 86 S.Ct., at 1710. In and of themselves (i.e., apart from surrounding comments or accompanying opinion), they cannot possibly show reliance upon an extrajudicial source; and can only in the rarest circumstances evidence the degree of favoritism or antagonism required (as discussed below) when no extrajudicial source is involved. Almost invariably, they are proper grounds for appeal, not for recusal. Second, opinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings, or of prior proceedings, do not constitute a basis for a bias or partiality motion unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible. Thus, judicial remarks during the course of a trial that are critical or disapproving of, or even hostile to, counsel, the parties, or their cases, ordinarily do not support a bias or

> partiality challenge. They may do so if they reveal an opinion that derives from an extrajudicial source; and they will do so if they reveal such a high degree of favoritism or antagonism as to make fair judgment impossible. . . . Not establishing bias or partiality, however, are expressions of impatience, dissatisfaction, annoyance, and even anger, that are within the bounds of what imperfect men and women, even after having been confirmed as federal judges, sometimes display. A judge's ordinary efforts at courtroom administration-even a stern and short-tempered judge's ordinary efforts at courtroom administration-remain immune

Id. at 555-556.

The inquiry under section 455(a) focuses on whether the judge's "impartiality might reasonably be questioned" and under section 455(b)(1) focuses on whether circumstances show that the judge has a personal bias or prejudice or whether the judge had personal knowledge of the underlying facts.

> The standard under § 455 is objective and requires the court to ask "whether an objective, disinterested, lay observer fully informed of the facts underlying the grounds on which recusal was sought would entertain a significant doubt about the judge's impartiality." *McWhorter v. City of Birmingham*, 906 F.2d 674, 678 (11th Cir.1990) (citation omitted). Under 28 U.S.C. § 455, it is well settled that the allegation of bias must show that "the bias is personal as distinguished from judicial in nature." *United States v. Phillips*, 664 F.2d 971, 1002 (5th Cir. Unit B 1981), superseded on other grounds, *United States v. Huntress*, 956 F.2d 1309 (5th Cir.1992); *Phillips v. Joint Legislative Comm., etc.*, 637 F.2d 1014, 1019–20 (5th Cir.1981). As a result, except where pervasive bias is shown, a judge's rulings in the same or a related case are not a sufficient basis for recusal. See *Phillips*, 664 F.2d at 1002–03.

Bolin v. Story, 225 F.3d 1234, 1239 (11th Cir. 2000).

To summarize, remarks, rulings and decisions of the judge during a trial or in earlier proceedings that are "critical or disapproving of, or even hostile to, counsel, the parties, or their cases," including "expressions of impatience, dissatisfaction, annoyance, and even anger, that are within the bounds circumstances arising solely in the case" cannot support a motion to recuse for

bias or prejudice, unless they reveal a "pervasive" bias, "such a high degree of favoritism or antagonism as to make fair judgment impossible."

Where the movant seeking recusal asserts mere conclusions, unsupported by evidence, those "conclusory allegations fail to meet the objective standards for recusal under either 28 U.S.C. § 144 or § 455(a)." *Kapordelis v. Carnes.* 482 Fed.Appx. 498, 499, 2012 WL 3020359, 2 (11th Cir. 2012).

A motion for disqualification under section 455(a) and (b)(1) must be filed promptly after discovery of facts supporting such a motion. *Summers v. Singletary,* 119 F.3d 917, 920-921 (11th Cir. 1997). "The policy considerations supporting a timeliness requirement are the same in each section [455(a) and (b)]: to conserve judicial resources and prevent a litigant from waiting until an adverse decision has been handed down before moving to disqualify the judge." *Id.* at 221.

III. Prior Proceedings Relevant to Mr. Annamalai's Core Allegations.

To be fully informed of the facts, an objective, disinterested, lay observer would have to know much of the history of this case involving over 385 docket entries and the audio recordings of approximately 15 hearings and the history of the related Adversary Proceeding (A.P. No. 09-9080) involving over 438 docket entries and the audio recordings of approximately 15 hearings, including a three-day trial. For purposes of ruling on this motion to recuse, however, the matters of record discussed below will suffice.

Represented by attorney Scott Riddle, the Debtor filed its bankruptcy petition on August 8, 2009, and Mr. Riddle was subsequently approved as counsel for the debtor in possession. The reason for the filing at that time was that a company called Anderson Lake Properties, LLC was poised to conduct a foreclosure of the Debtor's real property located at 5900 Brook Hollow Parkway, Norcross, Georgia (the "Temple Property") and real property located in

Carroll County, Georgia (the "Carroll County Property"). The principal of Anderson Lake is Benjamín E. Hewitt. As the Debtor's schedules showed, Anderson Lake was owed over $2,300,000 and was the Debtor's largest creditor. Anderson Lake moved for stay relief. (Doc. No. 35.) It is undisputed that the note held by Anderson Lake secured by the Temple Property on which the Debtor owed more than $2,000,000 had matured in 2008.

The filing of this bankruptcy case was not the first time that the Debtor had attempted to bar Anderson Lake from foreclosing on its properties. Anderson Lake's stay relief motion alleged without contradiction from the Debtor:

> On August 17, 2009, the Debtor filed a Motion for Temporary Restraining Order in the United States District Court for the Northern District of Georgia against Haven Trust Bank, the FDIC and ALP. See Hindu Temple and Community Center of Georgia, Inc. v. Haven Trust Bank, Civ. Action No. 1:09-cv-2129 (TCB). The Debtor lost and is now appealing to Eleventh Circuit Court of Appeals.

(Doc. No. 35, p. 5.) The legal theory of the Debtor that the District Court rejected was the same theory it advanced in this case in opposing the motion for stay relief.

On October 23, 2009, the court held a telephone hearing on an emergency motion filed by Anderson Lake to compel the production of documents concerning the Debtor's financial condition and directed the Debtor to provide the requested discovery, including documents, on October 26 and to appear for a deposition on October 30. An order to that effect was entered on October 27. (Doc. No. 41.) On October 29, Anderson Lake filed an amended motion to compel discovery, asserting that the Debtor had failed to obey the order to produce documents.

At a hearing held on that motion on November 1, 2009, counsel for Debtor conceded that the Debtor had failed to produce documents that the court had directed the Debtor to produce. He offered the excuse that documents were in the hands of a CPA and that were "they [the Debtor] are missing a lot of documents." There was no explanation as to why documents alleged to be in

the possession of the accountant could not have been produced. The accountant was present at the hearing. The court asked him whether he had documents of the Debtor, and he replied, "No sir." Transcript of Hearing Held 11/02/09 (Doc. No. 55, p. 27.)

At that hearing, the U.S. Trustee made an oral motion for the appointment of a trustee, which the court granted in an order entered on November 4. On that same date, the court entered an order approving the U.S. Trustee's selection of Lloyd T. Whitaker as Chapter 11 Trustee.

On November 11, 2009, Mr. Annamalai and others, represented by attorney Brent Sherota, moved to deny Anderson Lake's motion for stay relief.

The Trustee moved to employ the firm of Scroggins & Williamson as his counsel, which the court granted on November 9, 2009. That firm represented that it held no interest adverse to the estate, but on November 16, 2012, it filed a supplemental affidavit of Mr. Williamson stating he had just learned that Bennie Hewett, whom his firm had represented in an adversary proceeding in a different case filed in 2006, was a principal of Anderson Lake, which was not a defendant in that other adversary proceeding. On the same date, the Trustee moved to employ the firm of Greene, Buckley, Jones & McQueen to represent him in connection with Anderson Lake. The Court granted that motion on November 17.

The most important event in this case insofar as Mr. Annamalai is concerned is the entry of the order on December 1, 2009 that modified the automatic stay and cleared the way for Anderson Lake to foreclose on the Debtor's Temple Property and Carroll County Property. (Doc. No. 77.) This order implicitly denied the motion of Mr. Annamalai and others filed on November 7, 2009; the court entered a separate order denying as moot the November 7 motion in an order entered on January 22, 2010.

Thereafter, the court granted other motions of the Trustee that are at the root of Mr. Annamalai's allegations. On January 11, 2010, the court granted a joint motion of Anderson Lake and the Trustee pursuant to which the Anderson Lake abandoned any interest in personal property of the Debtor and agreed to pay to the bankruptcy estate the sum of $130,000, and the parties agreed to exchange mutual releases. (Doc. No. 94.) Also on January 11, Mr. Annamalai and others represented by attorney Brent Sherota belatedly filed a response opposing the joint motion to compromise. (Doc. No. 98.) There was no appeal from the order approving the compromise.

On February 2, 2010, Mr. Annamalai filed pro se a motion that sought to set aside the foreclosure sale. (Doc. No. 122.) On February 16, 2012, Mr. Annamalai, represented by attorney Quinton C. Jones, filed a withdrawal of his motion to set aside the foreclosure sale. (Doc. No. 134.)

On April 1, 2010, the court entered an order authorizing the Trustee to sell by auction all of the personal property of the Debtor located on the Temple Property. (Doc. No. 168.) The order recited that Indian Handicrafts Development Corporation had made an oral objection to the motion on the ground that it had an ownership interest in religious artifacts located on the Debtor's premises. To resolve that dispute, the order further provided that the court would determine at a later date what portion of the proceeds belonged to Indian Handicrafts and what portion belonged to the estate. Indian Handicrafts did not appeal that order. In Adversary Proceeding No. 09-9080, the court entered a partial judgment on September 24, 2012 that neither Mr. Annamalai nor Indian Handicrafts had any interest in the proceeds of the sale of personal property located on the Temple Property auctioned by the Trustee. Indian Handicrafts did not appear at the trial in the Adversary Proceeding.

On September 19, 2010, the court entered an order approving a compromise and settlement of numerous lawsuits brought by or against the Debtor. (Doc. No. 219.) On December 23, 2010, the court entered an order authorizing the Trustee to sell computers belonging to the Debtor. (Doc. No. 238.) No one appealed either of these orders.

On January 9, 2012, Indian Handicrafts and Development Corporation filed a motion to remove the Trustee. The movant was represented by an Ohio attorney, Matthew Kammerer. The court held an evidentiary hearing on the motion on January 18, 2012. Mr. Annamalai attended that hearing and sat at the counsel table with Mr. Kammerer. The motion to remove listed in 13 separate paragraphs grounds on which the movant contended that the Trustee should be removed for cause. Motion to Remove Trustee, Doc. No. 285, pp. 11-15. The court denied the motion in an order entered on January 18, 2012 based on the failure of the movant to prove even one fact and to cite any law that supported any of the allegations made in the motion. Indian Handicrafts did not appeal that order.

The court later directed Mr. Kammerer to show cause why he should not be sanctioned monetarily for violating Bankruptcy Rule 9011. Mr. Kammerer failed to appear at the hearing and failed to respond to phone calls and other communications attempting to find out why he failed to appear. The court entered an order directing Mr. Kammerer to pay a sanction of $6,000 to the Clerk, which he has yet to pay.

All of the allegations in the motion to remove the Trustee are repeated in Mr. Annamalai's motion to recuse. The following chart matches allegations in the motion to remove the Trustee with allegations in the motion to recuse.

Motion to Remove the Trustee (Doc. No. 285)	**Allegations in Section IV of this Order Raised in the Motion to Remove the Trustee**
p. 11 ¶ a - failure to file operating reports	Allegation 9
p. 11 ¶ b; p. 14 ¶ j and ¶ l - Consenting to settlement of lawsuits and not prosecuting lawsuits	Allegation 10
p. 12 ¶ c - Failure to contest foreclosure motion of Anderson Lake Properties	Allegations 4, 11, 21, 23, 24
p, 12 ¶ d - Settling with Anderson Lake	Allegation 11
p. 13 ¶ e - Lack of disclosure that Anderson's attorney had at a prior time represented the Trustee	Allegation 8
p. 13 ¶ f and ¶ h - Permitting sale of religious artifacts	Allegation 6
p. 13 ¶ g - Selling personal items of Debtor's employees	Allegation 12
p. 14 ¶ i - Suing a minor without appointment of a guardian ad litem.	Allegation 13
p. 14 ¶ k - Interfering with crime investigation	Allegation 14
p. 15 ¶ m - Failing to protect a creditor's interest in ornamental fencing	Allegation 15

Mr. Annamalai filed proofs of claim in October 2009 and January and February 2010. The Debtor, which Mr. Annamalai controlled, was represented by Scott Riddle until the court permitted him to withdraw on May 6, 2010. The Debtor (at least when it had an attorney) and Mr. Annamalai with or without his two attorneys of record in 2009 and 2010 could have moved for reconsideration of, or appealed, any of these orders. But neither one of them did so.

IV. Mr. Annamalai's Allegations of Bias, Prejudice and Lack of Impartiality.

The allegations made by Mr. Annamalai in his motion to recuse, brief and accompanying affidavit are numerous, repetitious, sometimes ambiguous, often vague, occasionally unintelligible, inaccurate as to the record in several material respects, and totally without any evidentiary support.

Mr. Annamalai contends that I am biased against him based on the following allegations made in his 62-page motion, brief and affidavit filed as Document No. 383 in this case.

1. Movant is of a "different religion, a Hindu high priest with a national image, different race, ethnicity, color . . . ." Motion to Recuse, Doc. No. 383, p. 2.[1]

2. The judge has threatened attorneys who represented Movant with sanctions, yelled at them, intimidated them, humiliated them, and insulted them so that they would cease representing Movant. Id. at p. 5, 17, 42, 55, 58-60.

3. The judge has openly displayed hostility toward Movant. Id. at 8, 55.

4. Movant is a victim of a "grand RICO operation" involving "criminal and felonious wrong doings by the trustee with the help and support of the judge," and the trustee has announced to Movant that "he has already bought the judge." Id. at 16-18. The conspiracy involves the foreclosure sale of property of the Debtor to "a Mafioso by the name Benjamin Hewitt" with the agreement of the trustee. Id. at 22. The judge (1) is "a part of grand theft, conversion by allowing a third party 'still' does not have any evidence about the ownership, and caused a monetary damaged (sic) of more than 5 million to a foreign entity etc., , (sic) and for the further reason that she (sic) is biased and prejudiced against the petitioner, Id. at 2, 16. The judge "did not care" about illegal acts of the trustee and "his RICO members" even after repeated notices from Movant,

[1] The page numbers in Document No. 383 cited are those displayed at the top of each page in the format "N of 62."

and "judge Massey elected, conspired with the Mafioso and 'supported for (their) a cause' (sic) with relates to all the illegal activities being a federal bankruptcy judge to support a RICO enterprise this much openly and vigorously, since movant is an immigrant and of a Hindu Religion etc." Id. at 30-31. Listening to the first ten minutes of audio recordings in which Movant was involved would show how the judge abused his powers to cause millions of dollars of damage to Movant and "would clearly show that Trustee Whitaker and the mafia leader Benjamin Hewitt have already bribed Judge Massey." Id. at 60.

5. "Also under belief and information to the medical drugs which Hon. Judge Massey, which he is consuming now, has made his ability to decide and rule the court proceedings properly these days." Id. at 19.

6. The judge permitted the sale of religious artifacts. Id. at 31, 37-38, 57-58.

7. The judge the trustee's counsel to continue the representation of the trustee, when that attorney had formerly represented Benjamin E. Hewitt (a member of Anderson Lake Properties, LLC, which foreclosed on property of the Debtor.) Id. at 33-34 56-57.

8. The attorney for Anderson Lake had formerly represented the Trustee and "assaulted the attorney Eric Kane with the encouragement of Hon Judge Massey on 09/12/2012." Id. at 34, 43.

9. The judge did not care about the trustee's alleged failure to file all operating reports required by the Bankruptcy Rules and thereby "exercised his abusive discretion, extreme bias towards the movant." Id. at 35.

10. The judge permitted the settlement of valuable law suits that the Debtor had filed against third parties, thereby showing bias against the Movant. Id. at 35, 39, 40, 44-45.

11. The judge showed bias by granting the motion of Anderson Lake Properties, LLC for relief from the automatic stay because Movant had proof that warranted denial of that motion, . Id. at 36-37, and by approving a compromise with Anderson Lake Properties. Id. at 57 (¶14).

12. "The judge's Order to sell personal property of the movant Debtor's Employees, rather than to the Debtor." Id. at 38.

13. The judge denied a motion to appoint a guardian ad litem in the adversary proceeding. Id. at 38, 48-49.

14. The judge "never wanted to care about" some sort of improper interference with "the investigation of crime perpetrated by a creditor against one of the defendants in the adversary proceeding *(see, e.g.* Doc. No. 125)," and the Trustee vouched for the perpetrator's character. Id. at 39.

15. The judge failed to take steps to protect a creditor's ownership interest in ornamental fencing listed in the Debtor's schedules. Id. at 41.

16. The judge never cared about the trustee's alleged dissolution of the corporate Debtor. Id. at 40-41.

17. The trustee obstructed justice with "the blessings" of the judge by having a "right hand man, criminal and member of the Rico enterprise prevent witnesses from retrieving "their Gods." Id. at 41.

18. The judge exercised abusive discretion when, after notice, the Trustee "apparently destroyed most of the debtor's financial records and then later claimed to this court that the records were not properly kept by the debtor." Id. at 41.

19. The judge used "one of his abusive tactics to kick out the $1.7 million dollar claim of the Hindu Temple and community center of the High Desert." Id. at 42.

20. The judge exercised abusive discretion and bias toward Movant by not caring about the Trustee providing information to the IRS. Id. at 42.

21. The judge exercised abusive discretion and bias toward Movant by not caring after notice that the trustee was part of the RICO gang and interfered with Movant's constitutional rights. Id. at 43-44.

22. The judge exercised abusive discretion and bias toward Movant by not caring about the alleged removal of privileged communications between priests and penitents by the trustee on computers sold by the Trustee. Id. at 44.

23. The judge failed to care about, and exercised abusive discretion and extreme bias towards the Movant in connection with, allegedly fraudulent proofs of claim filed by members of the RICO conspiracy, fraudulent affidavits, and declarations of a criminal, bi-polar patient, drug addict and brothel owner. Id. at 45, 56.

24. The judge did nothing about allegedly illegal and fraudulent activities of the trustee, Id. at 46, and trustee's conduct and failure to perform his duties as trustee were "well orchestrated with the support of Judge Massey who had/has a personal bias to the movant on day one. Id. at 45.

25. The judge prevented Movant from cross-examining the trustee at the trial of the Adversary Proceedingin July 2012, took away the ability of Movant to present his witness (which was Movant), and abused his discretion to "stop Swamaji's [Movant] counsel." Id. at 59.

26. The judge abused his discretion by threatening Movant with sanctions if Movant did not dismiss claims made against the Trustee and his professionals in a case in the U.S. District Court brought by Movant and other plaintiffs against the Trustee, his professionals and many other defendants. Id. at 59.

V. Analysis of Contentions Made by Mr. Annamalai.

All of Mr. Annamalai's contentions rest on my remarks in court proceedings and on my rulings and opinions in this case and the Adversary Proceeding. He has not contended or shown that the alleged bias he attributes to me is based on any extrajudical source.

Allegation 1 dealing with bias on the ground of religion, nationality or race is conclusory and not supported by any fact.

Allegation 2 is conclusory and fails to show any fact that would support the conclusion that any attorney who appeared on behalf of Mr. Annamalai or affiliated entities withdrew based on remarks that I made. I sanctioned no attorney who appeared on behalf Mr. Annamalai or his affiliates other than Mr. Kammerer. Mr. Annamalai cites to my comments to attorney Eric Kane at a hearing held on September 12, 2012 on the motion of the Trustee to hold Mr. Kane and plaintiffs in a case in the District Court in contempt for violating the Barton Doctrine. See Doc. No. 334. Mr. Kane stated on the record that he was appearing for himself and not for the plaintiffs in the District Court case and that Mr. Annamalai, who was present, was appearing for himself. Hearing in Courtroom 1202, September 12, 2012, Audio Transcript, 10:47:47 am to 10:48:00 am. Mr. Annamalai did not contradict Mr. Kane.

Allegations 3, 4, 6, 7, 8, 9, 10, 11, 13, 15, 17, 19, 22, 25 and 26 stated above in Part IV rest directly or indirectly on orders granting or denying motions in this case, primarily but not exclusively those discussed in Part III above. Mr. Annamalai's allegations are conclusory and not supported by any facts to show the existence of any conspiracy or the existence of any illegal act by the Trustee or by Benjamin Hewett or by any other person alleged to be a part of a RICO conspiracy. Nor did he show that I took any action or made any statement that could be construed as evidencing bias or prejudice against Mr. Annamalai. His conclusion of bias is based solely on

his disagreement and dissatisfaction with my rulings in this case and in the Adversary Proceeding.

Mr. Annamalai's accusations that the Trustee and Mr. Hewitt have engaged in criminal activity in the absence of any factual support and in light of Mr. Annamalai's own conduct in this case are reckless, scandalous and vile and are hereby stricken from the record in this case.

In allegation 5 summarized in Part III above, Mr. Annamalai contends on "belief and information" that I take drugs that have an effect on my ability to make sound judicial decisions. He failed to provide any "information," and his contention is without any factual support and is of course untrue.

Allegation 12 that the Trustee sold property belonging to persons other than the Debtor is conclusory and without any factual support. No person whose property was allegedly sold has ever made such a claim in this case, except that Indian Handicrafts Development Corporation asserted an interest in certain religious relics in the possession of the Debtor at that time of the filing of the case. But at a hearing held on March 25, 2010, it was unable to prove that it had any interest in those relics. The court authorized the sale pursuant to 11 U.S.C. § 363(f)(4), which permits the sale of property that is subject to a dispute as to ownership. The order granting the motion to sell provided that the proceeds of the sale of relics were to be "held by the Trustee pending a subsequent determination by the Court as to whether the proceeds should be distributed to either Indian Handicraft or the Trustee, or apportioned between the parties or otherwise." (Doc. No. 168.) Indian Handicrafts did not appeal that order. Indian Handicrafts did not appear at the trial in the Adversary Proceeding (A.P. 09-9080) held in July 2012. The partial judgment in favor of the Trustee determined among other matters that Indian Handicrafts had no interest in the proceeds of the sale of those items.

Allegation 13 refers to motion filed in the Adversary Proceeding by Mr. Annamalai's wife to appoint a guardian ad litem for her minor daughter, who was named as a defendant and against whom no judgment was ever entered. I denied the motion because there was no showing that her parents could not represent her interests. The movant did not appeal that order.

Allegations 14, 16, 18, 20, and 22 are vague, conclusory and to some extent unintelligible. They do not show that I performed or could have performed any judicial act with respect to the subject matter of those allegations, and those allegations are not supported by any facts that would remotely suggest that I am or was in any way biased against Mr. Annamalai.

VI. Conclusion.

The allegations made by Mr. Annamalai, which are unsupported by facts and are instead conclusory, simply fail to show bias or prejudice against him. An objective, disinterested, lay observer fully informed of the facts underlying the grounds on which recusal was sought would conclude that I am not biased and not prejudiced against Mr. Annamalai. Further, Mr. Annamalai's motion, coming years after the events that form the core of his dissatisfaction with rulings I have made, is untimely. For these reasons, his motion seeking my recusal (Doc. No. 383) is DENIED, and all portions of the motion stating or inferring that either the Trustee or Benjamin Hewitt has engaged in any criminal activity are stricken from the record in this case.

The Clerk is directed to serve a copy of this Order on Mr. Annamalai, counsel for the Trustee, the Trustee, and the United States Trustee.

END OF ORDER