

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-8461  
Summary Calendar

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IN RE: U.S. MINERAL CORP.

Debtor.

MARTIN SEIDLER, Trustee,

Appellant,

versus

LARRY E. KELLY, Judge,

Appellee.

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Appeal from the United States District Court  
for the Western District of Texas  
(A-92-CV-724)

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(March 11, 1994)

Before DAVIS, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:\*

Martin Seidler has appealed his removal as trustee from a bankruptcy case in which he was appointed on March 6, 1983 and which he had not closed ten years later when he was removed by the bankruptcy court. The district court dismissed for lack of appellate jurisdiction, but it alternately held that the bankruptcy

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

court did not abuse his discretion in removing Seidler. We affirm on the latter ground.

Seidler does not contest the procedural adequacy of the removal, but he alleges that the bankruptcy court made fifteen errors of fact and law in his decision and was biased against him.

First, we agree with Seidler that there is appellate jurisdiction here, because as to the trustee, who is appealing, the removal order was "final" within 28 U.S.C. §§ 158(d) and 1291. Whether Seidler, who has no right to remain trustee in a Chapter 7 case, has standing to maintain such an appeal is a close question that we do not need to address.

On the merits, it is evident that the busy bankruptcy judge misstated some facts about the background of this case, but he corrected those in his later written opinions. We agree with his basic conclusions that taking ten years to resolve a case in which he is the trustee is far too long, and waiting six years to file objections to proofs of claim is also much too long a delay. Under the circumstances, the court did not abuse its discretion in removing Seidler.

The order of the bankruptcy court is AFFIRMED.