

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, SOUTHERN DIVISION

Douglas-E. Anderson v. Paul Tenhaken et al.

Anderson · No. 4:26-CV-04027-KES · Decided May 13, 2026

SUMMARY

The United States District Court for the District of South Dakota denied Douglas E. Anderson’s motion to recuse the assigned judge and his request to strike a prior order as void. The court held that Anderson had not shown bias, prejudice, or any factual or legal basis to question the judge’s Article III authority. The court also found his challenge to the judge’s appointment and authority frivolous.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Southern Division
WRITING FOR THE COURT	Karen E. Schreier
JURISDICTION	United States District Court for the District of South Dakota, Southern Division
DECIDED	May 13, 2026
DOCKET	4:26-CV-04027-KES
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to recuse the district judge under 28 U.S.C. §§ 144 and 455 and sought to have a prior order stricken as void ab initio. The district court denied both requests.
STANDARD OF REVIEW	A recusal motion under 28 U.S.C. § 144 requires a legally sufficient affidavit demonstrating personal bias or prejudice, and the alleged bias must arise from an extrajudicial source. Under 28 U.S.C. § 455(a), disqualification is required when a reasonable person who knew the circumstances would question the judge's impartiality. The moving party bears a substantial burden, and the judge is presumed impartial.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Douglas-E. Anderson v. Paul Tenhaken, Jon Thum, Jeff Van Gerpen, Wade Miller, Tanner Pollema, Danijel Mihajlovic, Mike Milstead, Deputy Badge #1714, Deputy Badge #1574, Deputy Badge #1873, Paul L. Cremer, Joe Jares, Joshua Carr, Jessica Lamie, Tara Adamski,

Tarajo Deuter-Cross, Jon Basche, Rosa Yaegar, Lynn Bren,
Christopher Madsen, Does 1-10, Nicholas Poppe, Nathan, Dumm &
Mayer, P.C.

TOPICS

civil procedure motions to dismiss constitutional law due process

PRACTICE AREAS

civil procedure constitutional law judicial disqualification

QUESTIONS PRESENTED

1. Whether the district judge was required to recuse under 28 U.S.C. §§ 144 or 455 based on Anderson's contention that the judge lacked Article III authority.
2. Whether the court's prior order should be stricken from the record as void ab initio because of the alleged lack of judicial authority.

HOLDINGS

1. Recusal was not required because Anderson did not allege bias, prejudice, or a lack of impartiality arising from an extrajudicial source, and his assertion that the judge was not a duly appointed Article III judge had no colorable legal or factual basis.
2. The prior order was not void ab initio and would not be stricken from the record.

KEY QUOTATIONS

“A party introducing a motion to recuse carries a heavy burden of proof; a judge is presumed to be impartial and the party seeking disqualification bears the substantial burden of proving otherwise.” (Opinion text)

“Anderson’s position is without merit and frivolous.” (Opinion text)

FACTUAL BACKGROUND

Anderson, proceeding pro se, alleged that public officials and private parties unlawfully seized and converted his biometric identifiers after his arrest and detention in Sioux Falls on December 8, 2025. He asserted that he was not a United States citizen, was immune from municipal codes and statutes, and that the district judge lacked constitutional authority as an Article III judge. Anderson attached the judge's presidential commission to his recusal motion, although he contended that the court's prior order was void.

PROCEDURAL HISTORY

Anderson filed an action alleging unlawful seizure, kidnapping, and conversion of biometric identifiers against numerous public officials and private parties. The court previously denied motions for expedited discovery, emergency injunctive relief, leave to file a second amended complaint, and docket correction, and warned that claims against unserved defendants could be dismissed under Federal Rule of Civil Procedure 4(m). Anderson

then moved for recusal and argued that the prior order was void because the undersigned allegedly lacked Article III authority. The court denied the recusal motion and the request to strike the prior order.

DISPOSITION

other

CASES CITED

- United States v. Faul, 748 F.2d 1204, 1210-11 (8th Cir. 1984)
- United States v. Grinnell Corp., 384 U.S. 563, 583 (1966)
- Fletcher v. Conoco Pipe Line Co., 323 F.3d 661, 664 (8th Cir. 2003)
- Anderson v. Haggard, 4:23-CV-04024-KES (D.S.D. Feb. 14, 2023)
- United States v. Wolfe, No. 25-2862, 2026 WL 1283376, at *1 (8th Cir. May 11, 2026) (per curiam)
- United States v. Warrior, No. 24-3055, 2026 WL 1242737, at *1 (8th Cir. May 6, 2026) (per curiam)
- United States v. Drust, No. 25-1901, 2026 WL 933969, at *1 (8th Cir. Apr. 7, 2026) (per curiam)
- United States v. Brewer, No. 24-2723, 2026 WL 925020, at *2 (8th Cir. Apr. 6, 2026) (per curiam)
- United States v. Hamdan, 168 F.4th 1087, 1092 (8th Cir. 2026)

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