

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PRECEDENTIAL VALUE	nonprecedential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)

OPINION

anderson

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

DOUGLAS-E.: ANDERSON, 4:26-CV-04027-KES

Relator/Secured Party/creditor/sui juris, Ex. Rel. United States of America, Estate of Douglas Eugene Anderson,

ORDER DENYING PLAINTIFF'S

Plaintiff, MOTION FOR RECUSAL vs. PAUL TENHAKEN, Individually, a/k/a Paul Joseph Tenhaken, a/k/a Paul Joseph Tenhaken, a/k/a Paul Joseph Haken, a/k/a Paul J Tenhaken, a/k/a Paul T Haken, a/k/a Paul Joseph Ten-Haken, a/k/a Paul J Haken; JON THUM, Individually, a/k/a Johathan Henry Thum, a/k/a Jonathan A Thum, a/k/a Jonathan D Thum, a/k/a Jonathon N Thum, a/k/a J H Thum, a/k/a John Thum; JEFF VAN GERPEN, (Badge/ID 998), Individually, a/k/a Jeff D Van Gerpen, a/k/a Jeff Van Gerpen, a/k/a Jeff Van, a/k/a Jeff N Vangerpen, a/k/a Jeffrey Dean Vangerpen; WADE MILLER, (Badge/ID 1116), Individually, a/k/a Wade Phillip Miller; TANNER POLLEMA, (Badge/ID 1072), Individually; DANIJEL MIHAJLOVIC, (Badge/ID 843), Individually, a/k/a Daniel Mihajlovic, a/k/a Dani Mihajlovic; MIKE MILSTEAD, Individually, a/k/a Michael w milstead, a/k/a Mike W Milstead, a/k/a Michael C Milstead, a/k/a Michael Milstead Sr; DEPUTY BADGE #1714, Individually, Minnehaha County Sheriff's Office (true

name unknown); DEPUTY BADGE #1574, Individually, Minnehaha County Sheriff's Office (true name unknown); DEPUTY BADGE #1873, Individually, Minnehaha County Sheriff's Office (true name unknown); PAUL L. CREMER, Individually, a/k/a Paul Leonard Cremer; JOE JARES, AIC, Individually, a/k/a Joe J Jares, a/k/a Joseph J Jares, a/k/a Joseph James Jares, a/k/a Joseph N Jares, a/k/a Joseoh Jares; JOSHUA CARR, Individually, a/k/a Josh Allan Carr, a/k/a Joshua Allan Carr, a/k/a Josh A. Carr, a/k/a Joshua A Carr; JESSICA LAMIE, Individually, a/k/a Jessica M Schoenfelder, a/k/a Jessica M Lamie, a/k/a Jessica Marie Lamie, a/k/a Jess Lamie; TARA ADAMSKI, Individually; TARAJO DEUTER-CROSS, Individually, a/k/a Tarajo F Deuter, a/k/a Tarajo F Deuter-Cross, a/k/a Tarajo F Cross, a/k/a Tara Deuter, a/k/a Tarajo C Cross; JON BASCHE, Individually, a/k/a Jon D Basche, a/k/a Jon Daniel Basche, a/k/a J Basche; ROSA YAEGER, Individually, a/k/a Rosa K Yaeger, a/k/a Rosa Kay Diers, a/k/a Rosa Kay Yaeger, a/k/a Rosa K Diers; LYNN BREN, Individually, a/k/a Lynn M Bren, a/k/a Lynn Marie Wiekamp, a/k/a Lynn Craig, a/k/a Lynn M Wiekamp; CHRISTOPHER MADSEN, Individually, a/k/a Christopher N Madsen, a/k/a Christopher E Madsen; DOES 1-10; NICHOLAS POPPE, Individually; and NATHAN, DUMM & MAYER, P.C.,

Defendants. Plaintiff Douglas E. Anderson, who is proceeding pro se, commenced this action against numerous city and county officials as well as private parties alleging "unlawful seizure, kidnapping, and conversion of biometric identifiers[.]" Docket 1 at 2. Anderson denies that he is a United States citizen and states that he "stands as one of the People of the South Dakota Republic, protected by the 5th Amendment and the Organic Constitution." Id. ¶ 4.3. Because of his alleged status as foreign national to the municipal corporation, Anderson asserts that he is "immune from the administrative 'codes' and 'statutes' enforced by the Defendants." Id. ¶ 4.5.3. In the "Introduction" section of his complaint, Anderson summarizes the factual background giving rise to this action as follows: This action arises from a coordinated course of coercion and retaliation in which the Relator was repeatedly targeted with civil process tied to an out-of-state case (Colorado District Court, Denver County, Case No. 2025CV2771) and then arrested and jailed in Sioux Falls on December 8, 2025. During this unlawful detention, the Relator's full SSN and DL number were recorded on booking paperwork. Relator alleges state actors and private claims actors worked together to 'backdoor' the Relator to surrender and exploitation of his personal identifiers after the Relator refused to voluntarily provide them. Id. ¶ 1.1 (emphasis in original omitted). By order dated March 16, 2026, the court denied Anderson's motion for expedited discovery, emergency motion for temporary restraining order or preliminary injunction, motion for leave to file a second amended complaint, and motion to correct the docket. Docket 24. The court also notified Anderson that the court intended to dismiss Anderson's claims against unserved defendants under Federal Rule of Civil Procedure 4(m) if Anderson did not serve and file proof of service on those defendants within the time specified by the court. Id. at 11. Anderson moves to recuse the

undersigned and contends that the March 16, 2026, order is void. Docket 35. Anderson contends that the undersigned must “immediately recuse herself from this matter and cease all administrative actions against the Anderson Family Trust, Douglas Eugene Anderson Estate as she lacks the requisite constitutional judicial authority[.]” Id. at 6 (capitalization and emphasis in original omitted). According to Anderson, the undersigned “is not exercising the judicial power vested in an Article III judge. Instead, she is operating under color of law as an administrator, attempting to exercise powers constitutionally reserved for the judicial branch, without the requisite authority.” Id. at 5. Under 28 U.S.C. § 144, a party may seek recusal of a judge by filing a legally sufficient affidavit that demonstrates a personal bias or prejudice of the judge. *United States v. Faul*, 748 F.2d 1204, 1210 (8th Cir. 1984). The alleged bias or prejudice “must stem from an extrajudicial source and result in an opinion on the merits on some basis other than what the judge learned from [her] participation in the case.” Id. at 1211 (quoting *United States v. Grinnell Corp.*, 384 U.S. 563, 583 (1966)). Under 28 U.S.C. § 455(a), a judge is required to “disqualify [her]self in any proceeding in which [her] impartiality might reasonably be questioned.” This section requires disqualification “if a reasonable person who knew the circumstances would question the judge’s impartiality, even though no actual bias or prejudice has been shown.” *Fletcher v. Conoco Pipe Line Co.*, 323 F.3d 661, 664 (8th Cir. 2003) (citation omitted). “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.” Id. (citation omitted). Here, Anderson does not seek recusal based on bias, prejudice, or lack of impartiality. See generally Docket 35. Instead, Anderson asserts, without any colorable legal or factual basis, that the undersigned is not a duly appointed Article III judge. Anderson’s position is without merit and frivolous. Of note, Anderson attached a copy of the commission from President William Jefferson Clinton appointing the undersigned as a United States District Judge for the District of South Dakota in accordance with Article III of the United States Constitution. Docket 35-1 at 5. One of Anderson’s previous cases was assigned to the undersigned, and Anderson did not contend in that case the undersigned was not a duly appointed Article III judge. *Anderson v. Haggar*, 4:23-CV-04024-KES (D.S.D. Feb. 14, 2023). The United States Court of Appeals for the Eighth Circuit summarily affirmed the court’s order granting defendants’ motion to dismiss Anderson’s complaint for failure to state a claim upon which relief can be granted. Id. at Docket 33. Finally, during the pendency of this case, the Eighth Circuit has issued opinions affirming judgments entered by the undersigned. See *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). If the undersigned did not have authority to exercise judicial power vested in an Article III judge, the Eighth Circuit would not have affirmed the court’s orders and judgments.

Thus, it is ORDERED that Anderson's motion for recusal, Docket 35, is denied. Anderson's request that Docket 24 be stricken from the record as void ab initio is also denied. Dated May 13, 2026. BY THE COURT: /s/ Karen E. Schreier

KAREN E. SCHREIER

UNITED STATES DISTRICT JUDGE