

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

**Joshua M. Moore v. Marty Jackley, in his official capacity as
Attorney General of South Dakota; Ernest Thompson, in his official
capacity as Deputy Attorney General of South Dakota**

No. 4:25-CV-04191-ECS (D.S.D. Feb. 3, 2026) · No. 4:25-CV-04191-ECS · Decided February 3, 2026

SUMMARY

The United States District Court for the District of South Dakota denies Joshua M. Moore’s motion to recuse under 28 U.S.C. § 455(a). The court concludes that Moore failed to show that the court’s impartiality might reasonably be questioned, rejecting his reliance on related cases, judicial transfers, prior recusals, and the court’s status as a party in separate litigation.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Southern Division
JURISDICTION	United States District Court for the District of South Dakota, Southern Division
DECIDED	February 3, 2026
DOCKET	4:25-CV-04191-ECS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for recusal under 28 U.S.C. § 455(a), asserting that the Court's impartiality might reasonably be questioned because the Court and Attorney General Jackley were defendants in separate litigation and because of alleged recusals in related cases.
STANDARD OF REVIEW	Under 28 U.S.C. § 455(a), recusal is required when a reasonable person who knows the circumstances would question the judge's impartiality; the assessment is objective, and the moving party bears a heavy burden.
PRECEDENTIAL VALUE	unpublished district court order; persuasive authority only
PARTIES	Joshua M. Moore v. Marty Jackley, in his official capacity as Attorney General of South Dakota, Ernest Thompson, in his official capacity as Deputy Attorney General of South Dakota

TOPICS

civil procedure

PRACTICE AREAS

civil procedure

judicial disqualification and recusal

federal civil rights litigation

QUESTIONS PRESENTED

1. Whether 28 U.S.C. § 455(a) required the district court to recuse itself because the court was named as a defendant in separate litigation involving Attorney General Jackley.
2. Whether alleged recusals or transfers in Moore's related cases created an appearance that the district court's impartiality might reasonably be questioned.
3. Whether the court could grant Moore's request for recusal in related cases that were not before the court in the present action.

HOLDINGS

1. Recusal was not required because Moore failed to show that a reasonable, informed person would question the Court's impartiality in this action.
2. Prior transfers and alleged recusals in Moore's related cases did not establish a basis for recusal in this action.
3. The court denied Moore's request for recusal in related cases because those motions were not filed in the present case and had already been addressed in their respective cases.

KEY QUOTATIONS

"28 U.S.C. § 455(a) requires a judge to "disqualify himself in any proceeding in which his impartiality might reasonably be questioned.""

"The goal of section 455(a) is to avoid even the appearance of partiality."

"Although Moore proclaims that the facts he presents are "undisputed," many of the reasons he provides for why recusal is appropriate are based on misguided and unsupported assumptions."

"Because a "reasonable observer who is informed of all the surrounding facts and circumstances" would not find an appearance of partiality in this instance, this Court must fulfill its duty to hear the case before it."

FACTUAL BACKGROUND

Moore alleged that the district court should recuse itself because the court and Attorney General Marty Jackley were named as defendants in separate litigation. He also relied on alleged prior recusals by judges in Moore's related cases. The court found that the referenced matters primarily involved transfers under the district's case-assignment process, that one judge's recusal was based on circumstances not applicable to the undersigned judge, and that Moore identified no connection between the court's role in this case and its status in the separate litigation.

PROCEDURAL HISTORY

The motion was filed in this federal civil-rights action. The district court considered the alleged conflicts and prior case assignments and concluded that the asserted facts did not establish an appearance of partiality. The court denied the motion for recusal.

DISPOSITION

other

CASES CITED

- *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 860 (1988)
- *Health Services Acquisition Corp. v. Liljeberg*, 796 F.2d 796, 802 (5th Cir. 1986)
- *Liteky v. United States*, 510 U.S. 540, 548 (1994)
- *Fletcher v. Conoco Pipe Line Co.*, 323 F.3d 661, 664 (8th Cir. 2003)
- *United States v. Tucker*, 78 F.3d 1313, 1324 (8th Cir. 1996)
- *Pope v. Fed. Express Corp.*, 974 F.2d 982, 985 (8th Cir. 1992)
- *AstraZeneca Pharm. LP v. Jackley*, No. 4:25-CV-04156-RAL (D.S.D. Aug. 15, 2025)
- *Moore v. Gering*, No. 4:25-CV-04150-ECS (D.S.D. Aug. 6, 2025)
- *Moore v. Minnehaha County*, No. 4:25-CV-04192-ECS (D.S.D. Oct. 3, 2025)
- *Moore v. Haggar*, No. 4:25-CV-04193-ECS (D.S.D. Oct. 3, 2025)
- *Moore v. Smith*, No. 4:25-CV-04194-ECS (D.S.D. Oct. 3, 2025)
- *Moore v. Larson*, No. 4:25-CV-04088-ECS (D.S.D. May 30, 2025)
- *Lipsky v. Jackley*, No. 4:25-CV-04136-RAL (D.S.D. July 21, 2025)
- *United States v. Melton*, 738 F.3d 903, 905 (8th Cir. 2013)
- *United States v. Sypolt*, 346 F.3d 838, 839 (8th Cir. 2003)
- *In re Medtronic, Inc. Sprint Fidelis Leads Products Liab. Litig.*, 601 F. Supp. 2d 1120, 1126 (D. Minn. 2009)
- *Hinman v. Rogers*, 831 F.2d 937, 939 (10th Cir. 1987)
- *In re Drexel Burnham Lambert Inc.*, 861 F.2d 1307, 1313 (2d Cir. 1988)
- *United States v. May*, 70 F.4th 1064, 1073 (8th Cir. 2023)
- *Sw. Bell Tel. Co. v. FCC*, 153 F.3d 520, 523 (8th Cir. 1998)
- *Cheney v. U.S. Dist. Ct.*, 541 U.S. 913, 924 (2004) (mem. of Scalia, J.)

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