

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Erika Jacobs v. Twin Cities Development Association, Inc. and Katy A. Reichert

Jacobs · No. 8:25CV549 · Decided January 28, 2026

SUMMARY

The United States District Court for the District of Nebraska denied Erika Jacobs’s motion to recuse the judge and her motion for reconsideration of the court’s prior judgment remanding her state-court case. The court held that disagreement with an unfavorable ruling did not establish judicial bias and that Jacobs could not remove her own state-court action to federal court. The court denied as moot her motion for review and duplicate motion for reconsideration.

CASE DETAILS

COURT	United States District Court for the District of Nebraska
WRITING FOR THE COURT	M. Gerrard
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	January 28, 2026
DOCKET	8:25CV549
DISPOSITION	other
PROCEDURAL POSTURE	The district court considered the plaintiff's motion for recusal, her motion objecting to the court's prior judgment construed as a motion for reconsideration under Federal Rules of Civil Procedure 59(e) and 60(b), and related motions requesting review and filing a duplicate reconsideration motion.
STANDARD OF REVIEW	A motion under Rule 59(e) is evaluated under the limited grounds of correcting manifest errors of law or fact or presenting newly discovered evidence. Relief under Rule 60(b)(6) requires extraordinary circumstances. A recusal request under 28 U.S.C. § 144 requires a timely and sufficient affidavit alleging personal bias or prejudice stemming from an extrajudicial source.
PRECEDENTIAL VALUE	unpublished
PARTIES	Erika Jacobs v. Twin Cities Development Association, Inc., Katy A. Reichert

TOPICS

motion for reconsideration

subject matter jurisdiction

appellate procedure

federalism

civil procedure

PRACTICE AREAS

civil procedure

federal jurisdiction

judicial disqualification

appellate procedure

QUESTIONS PRESENTED

1. Whether the plaintiff's motion established a legally sufficient basis for judicial recusal under 28 U.S.C. § 144.
2. Whether the plaintiff was entitled to relief from the prior judgment under Federal Rule of Civil Procedure 59(e) or 60(b).
3. Whether the plaintiff's additional motion requesting review and duplicate motion for reconsideration remained justiciable after the court denied the recusal and reconsideration motions.

HOLDINGS

1. The motion to recuse was properly denied because it was not a qualifying affidavit and the plaintiff's allegations, based solely on the court's unfavorable prior ruling, did not demonstrate personal bias or prejudice arising from an extrajudicial source.
2. The plaintiff was not entitled to alter, amend, or obtain relief from the prior judgment because she did not show a manifest error of law or fact, newly discovered evidence, any applicable Rule 60(b) ground, or extraordinary circumstances.
3. The motion requesting review and the duplicate motion for reconsideration were denied as moot because the court had already considered and denied the recusal and reconsideration motions.

KEY QUOTATIONS

“That is, “bias or prejudice” doesn't include opinions held by judges acquired in the course of the proceedings, nor does it include opinions held as a result of what judges learned in earlier proceedings.”

“There is no federal law authorizing plaintiff to remove her state court action to federal court.”

FACTUAL BACKGROUND

Jacobs filed a state civil action in the District Court of Scotts Bluff County, Nebraska and sought to remove it to the United States District Court for the District of Nebraska. After the federal court denied removal and remanded the case, Jacobs asserted that the ruling was unethical and sought the judge's recusal. She also argued that she had a right to transfer the case to federal court and that the federal court possessed jurisdiction, seeking relief from the prior judgment.

PROCEDURAL HISTORY

Jacobs initially sought to remove her state-court civil action from the District Court of Scotts Bluff County, Nebraska, to the federal district court. The federal court previously denied the removal request and remanded the

case to state court. Jacobs then moved for recusal and reconsideration of that judgment, and filed additional motions requesting review and duplicating her reconsideration motion. The court denied recusal and reconsideration and denied the remaining motions as moot.

DISPOSITION

other

CASES CITED

- United States v. Faul, 748 F.2d 1204, 1211 (8th Cir. 1984)
- Liteky v. United States, 510 U.S. 540, 551 (1994)
- In re Steward, 828 F.3d 672, 682 (8th Cir. 2016)
- United States v. Rubashkin, 655 F.3d 849, 858 (8th Cir. 2011)
- United States v. Melton, 738 F.3d 903, 906 (8th Cir. 2013)
- United States v. Larsen, 427 F.3d 1091, 1095 (8th Cir. 2005)
- United States v. Martin, 757 F.3d 776, 778 (8th Cir. 2014)
- Sanders v. Clemco Indus., 862 F.2d 161, 168 (8th Cir. 1988)
- United States v. Metro. St. Louis Sewer Dist., 440 F.3d 930, 933 (8th Cir. 2006)
- Buck v. Davis, 137 S. Ct. 759, 777-78 (2017)
- Gonzalez v. Crosby, 545 U.S. 524 (2005)
- Fonder v. S. Dakota, No. 1:21-CV-01023-CBK, 2021 WL 4710781, at *3 (D.S.D. Oct. 8, 2021)

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