

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE, COLUMBIA DIVISION

John Hessmer v. Warden Grady Perry

No. 1:25-CV-00077 · No. 1:25-CV-00077 · Decided April 22, 2026

SUMMARY

The United States District Court for the Middle District of Tennessee denies John Hessmer’s motion seeking recusal of the assigned judge and his motion to reconsider dismissal of his 28 U.S.C. § 2241 habeas petition. The court concludes that Hessmer has not shown grounds for recusal under 28 U.S.C. §§ 144 or 455 and has not demonstrated entitlement to relief under Federal Rules of Civil Procedure 59(e) or 60(b)(6). The court also denies the in forma pauperis application as moot and leaves the case closed.

CASE DETAILS

COURT	United States District Court for the Middle District of Tennessee, Columbia Division
WRITING FOR THE COURT	William L. Campbell Jr.
JURISDICTION	United States District Court for the Middle District of Tennessee, Columbia Division
DECIDED	April 22, 2026
DOCKET	1:25-CV-00077
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner moved for recusal and for reconsideration of the dismissal without prejudice of his 28 U.S.C. § 2241 habeas petition for failure to pay the filing fee or submit an application to proceed in forma pauperis.
STANDARD OF REVIEW	Recusal under 28 U.S.C. §§ 455(a) and 455(b)(1) is evaluated under an objective reasonable-person standard, with the movant bearing a substantial burden. A motion under 28 U.S.C. § 144 requires a timely and legally sufficient affidavit. Relief under Federal Rule of Civil Procedure 59(e) requires clear error, newly discovered evidence, an intervening change in controlling law, or prevention of manifest injustice. Relief under Rule 60(b)(6) is reserved for exceptional or extraordinary circumstances and is reviewed under an equitable, case-specific inquiry.

PRECEDENTIAL VALUE	Unknown; memorandum opinion and order from a federal district court with no reported citation.
PARTIES	John Hessmer v. Warden Grady Perry

TOPICS

federal habeas corpus motion for reconsideration civil procedure

PRACTICE AREAS

Federal habeas corpus Judicial disqualification and recusal Federal civil procedure

QUESTIONS PRESENTED

1. Whether the judge was required to recuse under 28 U.S.C. § 455(b)(1) because of alleged personal bias or prejudice.
2. Whether the circumstances created an objectively reasonable question about the judge's impartiality under 28 U.S.C. § 455(a).
3. Whether recusal was required under 28 U.S.C. § 144 despite Hessmer's failure to submit a supporting affidavit.
4. Whether Hessmer was entitled to relief from the dismissal under Federal Rule of Civil Procedure 59(e).
5. Whether Hessmer was entitled to relief under Federal Rule of Civil Procedure 60(b)(6).

HOLDINGS

1. Adverse judicial rulings and Hessmer's allegations did not establish personal bias or prejudice, or otherwise satisfy the substantial burden required for recusal under § 455(b)(1).
2. The asserted grounds did not cause the judge's impartiality to be reasonably questioned by an objective person knowing all the circumstances.
3. The Court was not required to consider Hessmer's request for recusal under § 144 because he did not submit the required supporting affidavit.
4. Hessmer was not entitled to alter or amend the dismissal under Rule 59(e) because he identified no clear error of law, newly discovered evidence, intervening change in controlling law, or manifest injustice.
5. Hessmer was not entitled to relief under Rule 60(b)(6) because he did not show exceptional or extraordinary circumstances warranting relief from the judgment.

KEY QUOTATIONS

“A court’s impartiality might reasonably be questioned “if a reasonable, objective person, knowing all of the circumstances, would have questioned the judge’s impartiality.”” (I.A)

““[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion.”” (I.A)

“Recusal under 28 U.S.C. § 144 is only required when the affidavit is found to be both timely and legally sufficient by a district court judge.” (I.A.3)

“Rule 60(b)(6)—the provision cited by Petitioner—is a catchall provision that provides for relief from a final judgment for any reason justifying relief not captured in the other provisions of Rule 60(b).” (II)

FACTUAL BACKGROUND

Hessmer, an inmate at the South Central Correctional Facility, filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241. He failed to pay the \$5 filing fee or submit an IFP application by the deadline set by the Court and did not request an extension. After dismissal without prejudice, he sought recusal based principally on adverse rulings in this and other cases and sought reconsideration based on alleged difficulties obtaining payment or notarized financial records.

PROCEDURAL HISTORY

Hessmer filed a pro se § 2241 petition. The Court ordered him to pay the \$5 filing fee or submit a short-form IFP application within 30 days and warned that failure to comply could result in dismissal. After Hessmer failed to comply or request an extension, the Court dismissed the action without prejudice for want of prosecution on January 15, 2026. Hessmer then filed motions for recusal and reconsideration and an IFP application; the Court denied the motions and denied the IFP application as moot.

DISPOSITION

other

CASES CITED

- Huth v. Hubble, No. 5:14-cv-1215, 2016 WL 6610808, at *2, *5 (N.D. Ohio Feb. 23, 2016)
- United States v. Denton, 434 F.3d 1104, 1111 (8th Cir. 2006)
- United States v. Sammons, 918 F.2d 592, 599 (6th Cir. 1990)
- Liteky v. United States, 510 U.S. 540, 553, 555 (1994)
- Arrowood Indem. Co. v. City of Warren, 54 F. Supp. 3d 723, 726 (E.D. Mich. 2014)
- In re Allied-Signal Inc., 891 F.2d 967, 970 (1st Cir. 1989)
- Easley v. Univ. of Mich. Bd. of Regents, 853 F.2d 1351, 1355-56 (6th Cir. 1988)
- City of Cleveland v. Krupansky, 619 F.2d 576 (6th Cir. 1980)
- Scott v. Metro. Health Corp., 234 F. App'x 341, 352 (6th Cir. 2007)
- Hobson v. Mattis, No. 17-6192, 2018 WL 3241369, at *2 (6th Cir. May 23, 2018)
- GenCorp, Inc. v. Am. Int'l Underwriters, 178 F.3d 804, 834 (6th Cir. 1999)
- McGuire v. Warden, 738 F.3d 741, 750 (6th Cir. 2013)
- Blue Diamond Coal v. Trustees of United Mine Workers, 249 F.3d 519, 529 (6th Cir. 2001)
- Thompson v. Bell, 580 F.3d 423, 442 (6th Cir. 2009)
- Tyler v. Anderson, 749 F.3d 499, 509 (6th Cir. 2014)

