

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

Moore v. Jackley

Moore · No. 4:25-CV-04191-ECS · Decided February 18, 2026

SUMMARY

The United States District Court for the District of South Dakota denies Joshua Moore’s motion to reconsider the court’s prior denial of his motion for judicial recusal. The court concludes that it did not misapprehend the facts or governing law under 28 U.S.C. § 455(a) and remains confident in its prior decision.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Southern Division
WRITING FOR THE COURT	C. Schul
JURISDICTION	United States District Court for the District of South Dakota, Southern Division
DECIDED	February 18, 2026
DOCKET	4:25-CV-04191-ECS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for reconsideration of the court's prior order denying his motion to recuse the court under 28 U.S.C. § 455(a).
STANDARD OF REVIEW	A motion to reconsider an interlocutory order is construed under Federal Rule of Civil Procedure 54(b). The court has wide discretion, and reconsideration is appropriate when the court has obviously misapprehended a party's position, the facts, or applicable law; reversal would require clearly erroneous factual findings or erroneous legal conclusions constituting an abuse of discretion.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- motion for reconsideration
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Moore established grounds for reconsideration of the interlocutory order denying judicial recusal.
2. Whether the court had misapprehended the facts or governing law when it concluded that reassignment did not constitute recusal and that its status as a co-defendant in separate litigation did not objectively require recusal under 28 U.S.C. § 455(a).

HOLDINGS

1. An interlocutory motion for reconsideration is construed under Federal Rule of Civil Procedure 54(b), and reconsideration is warranted only when the court has obviously misapprehended a party's position, the facts, or applicable law.
2. Moore did not establish a basis for reconsideration because the court had understood his argument about administrative transfers and had correctly applied the objective standard governing recusal under 28 U.S.C. § 455(a).

FACTUAL BACKGROUND

Moore argued that the court's prior administrative transfers of his cases reflected a pattern of judicial recusals. He also argued that the court's status as a co-defendant with South Dakota Attorney General Marty Jackley in separate litigation created an appearance of impropriety. The court had previously rejected both arguments and concluded that recusal was not objectively required.

PROCEDURAL HISTORY

Moore previously moved to recuse the court, arguing that the court's alleged pattern of recusal and its status as a co-defendant with Attorney General Jackley in separate litigation created an appearance of partiality. The court denied recusal in a prior order. Moore then moved for reconsideration, and the court denied that motion.

DISPOSITION

other

CASES CITED

- Moore v. Jackley, No. 4:25-CV-04191-ECS, 2026 WL 396106, at *1-2 (D.S.D. Feb. 3, 2026)
- Colombe v. United States, No. 5:24-CV-05069-ECS, 2025 WL 3063285, at *3 (D.S.D. Nov. 3, 2025)
- K.C. 1986 L.P. v. Reade Mfg., 472 F.3d 1009, 1016-17 (8th Cir. 2007)
- SPV-LS, LLC v. The Estate of Nancy Bergman, SPV-LS, LLC v. Transamerica Life Ins. Co., 912 F.3d 1106, 1111 (8th Cir. 2019)
- Interpreter Servs. v. BTB Techs., Inc., No. CIV. 10-4007, 2012 WL 984279, at *2 (D.S.D. Mar. 22, 2012)

- Schrag v. Dinges, 144 F.R.D. 121, 123 (D. Kan. 1992)
- Liteky v. United States, 510 U.S. 540, 548 (1994)
- Sw. Bell Tel. Co. v. FCC, 153 F.3d 520, 523 (8th Cir. 1998)

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