

United States Court of Appeals
For the Eighth Circuit

No. 18-2845

Elroy Rogers

Plaintiff - Appellant

v.

United States Department of Agriculture; Minnesota Board of Animal Health;
Diane Sutton; Kris Petrini; Mike Curely; Carl Denkinger; Mike Fier; Kyle
Mooney; Ryan Brunsvold; Mark Mather; Richard Maes; Michelle Dietrich;
Leland Bush; Jeremy Schefers; Beth S. Thompson; Will Wiebe; Johnathan
Fawbush; Michael L. Stine; Steven Just; Leah Hedman

Defendants - Appellees

Appeal from United States District Court
for the District of Minnesota

Submitted: July 22, 2019

Filed: July 25, 2019

[Unpublished]

Before COLLOTON, WOLLMAN, and ERICKSON, Circuit Judges.

PER CURIAM.

Elroy Rogers appeals the district court's¹ grant of defendants' motions to dismiss his complaint, which he identified as being brought under the Administrative Procedures Act. Upon de novo review, we agree with the district court that dismissal of Rogers's complaint was warranted. See *Compart's Boar Store, Inc. v. United States*, 829 F.3d 600, 604 (8th Cir. 2016) (dismissal for lack of subject matter jurisdiction); *Topchian v. JPMorgan Chase Bank, N.A.*, 760 F.3d 843, 848-49 (8th Cir. 2014) (dismissal for failure to state claim). We conclude that the district court also did not err in denying Rogers's motions asserting judicial bias and prejudice. See *Bannister v. Delo*, 100 F.3d 610, 614 (8th Cir. 1996) (reviewing for abuse of discretion whether disqualification is required in particular case). The judgment is affirmed, see 8th Cir. R. 47B; and Rogers's appellate motion is denied.

¹The Honorable Wilhelmina M. Wright, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Franklin L. Noel, United States Magistrate Judge for the District of Minnesota, now retired.