

United States Court of Appeals  
For the Eighth Circuit

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No. 18-2118

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Raphael Mendez

*Plaintiff - Appellant*

v.

Warden L. LaRiva; Supervisory Attorney K. Lundy; Unknown Inmate Legal Mail  
Room Servers

*Defendants - Appellees*

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Appeal from United States District Court  
for the District of Minnesota - Minneapolis

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Submitted: October 3, 2018  
Filed: October 9, 2018  
[Unpublished]

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Before KELLY, ERICKSON, and GRASZ, Circuit Judges.

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PER CURIAM.

Federal civil detainee Raphael Mendez appeals following the district court's<sup>1</sup> adverse grant of summary judgment in his pro se civil rights action, claiming the district court judge and magistrate were biased against him. After careful review, we conclude that Mendez's claim of judicial bias lacks merit. See In re Steward, 828 F.3d 672, 682 (8th Cir. 2016) (judges are presumed to be impartial; party seeking disqualification bears substantial burden of proving otherwise). Accordingly, we affirm. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Ann D. Montgomery, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Becky R. Thorson, United States Magistrate Judge for the District of Minnesota.