

United States Court of Appeals
For the Eighth Circuit

No. 22-1572

Andrew Devisme

Plaintiff - Appellant

v.

City of Duluth; HRA

Defendants - Appellees

Appeal from United States District Court
for the District of Minnesota

Submitted: September 19, 2022

Filed: October 12, 2022

[Unpublished]

Before COLLOTON, KELLY, and KOBES, Circuit Judges.

PER CURIAM.

Andrew Devisme appeals following the district court's¹ dismissal of his pro se civil rights action, arguing that the court denied him due process by canceling a

¹The Honorable Wilhelmina M. Wright, United States District Judge for the District of Minnesota.

scheduled hearing on the motions to dismiss, and by restricting his filing and communication privileges; and that the district court judge erred in denying his motions to recuse herself, as her bias was evident from her rulings.

Upon careful review, we find that the district court did not err in canceling the hearing, see Peck v. Hoff, 660 F.2d 371, 374 (8th Cir. 1981) (per curiam) (plaintiff had opportunity to and did respond to defendants' motion to dismiss, and was not entitled to evidentiary hearing); Wilkins v. Rogers, 581 F.2d 399, 405 (4th Cir. 1978) (per curiam) (no denial of due process by failing to afford litigant oral argument before ruling on motions to dismiss); and did not abuse its discretion in limiting his communications after finding that he had been inundating the court with incomprehensible messages, see In re Tyler, 839 F.2d 1290, 1293 (8th Cir. 1988) (per curiam) (courts have discretion to limit filings of litigant who abuses judicial process); Peck, 660 F.2d at 374 (abuse of discretion review of filing restrictions). We also find that the court did not abuse its discretion in denying Devisme's recusal motions, as he cited only the court's judicial decisions in support, see Liteky v. United States, 510 U.S. 540, 555 (1994) (judicial rulings alone almost never constitute valid basis for bias recusal motion); In re Steward, 828 F.3d 672, 681 (8th Cir. 2016) (abuse of discretion review of lower courts' recusal decisions).

The judgment is affirmed. See 8th Cir. R. 47B.
