

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DAVID GERARD JEEP,)
Plaintiff,)
v.)
GOVERNMENT OF THE UNITED)
STATES OF AMERICA,)
Defendant.)
No. 4:16-CV-810 CDP

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion for recusal. The motion is denied.

Section 455(a) provides that a judge “shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” Impartiality is judged objectively: “Would the average person, knowing the facts alleged by the part[y] seeking disqualification, question the Judge’s impartiality, and, if so, would the question be reasonable?” *O’ Bannon v. Union Pac. R.R. Co.*, 169 F.3d 1088, 1091 (8th Cir. 1999). Stated differently, the test is “whether the judge’s impartiality might reasonably be questioned by the average person on the street who knows all the relevant facts of a case.” *Moran v. Clarke*, 296 F.3d 638, 648 (8th Cir. 2002) (quoting *In re Kan. Pub. Employees Ret. Sys.*, 85 F.3d 1353, 1358 (8th Cir. 1996)). If this test is not satisfied, judges have a duty to decide the cases and controversies which come before them. *See Perkins v. Spivey*, 911 F.2d 22, 28 (8th Cir. 1990); *see also Cheney v. U.S. Dist. Ct.*, 541 U.S. 913, 916 (2004) (memorandum of Scalia, J.). “Frivolous and improperly based suggestions that a judge recuse should be firmly declined. *Maier v. Orr*, 758 F.2d 1578, 1583 (9th Cir. 1985).

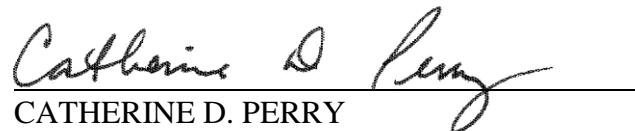
Plaintiff's reasons for recusal are frivolous. Plaintiff has filed many frivolous cases in this Court. He repeatedly accuses judges of being "Black Robed Royalists" who treat him

unfairly. In this case, he repeats the same allegations the Court has rejected before. Moreover, ruling against a party does not constitute a reason for recusal.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for recusal [ECF No. 5] is **DENIED**.

Dated this 7th day of November, 2016.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE