

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

STATE OF MISSOURI, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:19-CV-2135 HEA
)	
RICARDO MORALES et al.,)	
)	
Defendants.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on defendants’ post-dismissal motion to “Stay Case Pending Appeal on Claims This Court is Biased, Prejudiced, Hateful and Disrespectful to the Administration of Justice and Should Have Recused Himself.” It appears defendants are seeking reconsideration of their August 9, 2019, request for this Court to recuse itself from this action.

The Court clearly addressed defendants’ assertions in a Memorandum and Order, issued on August 12, 2019. The standard for recusal is that a “judge must recuse from ‘any proceeding in which [the judge’s] impartiality might reasonably be questioned.’” *United States v. Melton*, 738 F.3d 903, 905 (8th Cir. 2013) (alteration in original) (quoting 28 U.S.C. § 455(a)). The standard is an objective one, in which the question posed 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.” *Id.* (quoting *Moran v. Clarke*, 296 F.3d 638, 648 (8th Cir. 2002) (en banc)).

In practice, the standard requires a showing that “the judge had a disposition so extreme as to display clear inability to render fair judgment.” *Id.* (citation and internal marks omitted). “A party introducing a motion to recuse carries a heavy burden of proof; a judge is presumed to be impartial and the party seeking disqualification bears the substantial burden of proving

otherwise.” *Fletcher v. Conoco Pipe line Co.*, 323 F.3d 661, 664 (8th Cir. 2003) (citation omitted).

Neither defendants’ August 9, 2019 motion, nor the present motion before the Court introduce any factual assertions that reasonably question the Court’s impartiality.

Accordingly,

IT IS HEREBY ORDERED that defendants’ motion to stay case and recuse the undersigned [Doc. #9] is **DENIED**.

IT IS FURTHER ORDERED that an appeal from this dismissal would not be taken in good faith.

Dated this 21st day of August, 2019.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE