

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2022 ND 97

LeRoy Kenneth Wheeler,

Petitioner and Appellant

v.

State of North Dakota,

Respondent and Appellee

Nos. 20220024-20220026

Appeal from the District Court of Grand Forks County, Northeast Central
Judicial District, the Honorable Donald Hager, Judge.

AFFIRMED.

Per Curiam.

LeRoy K. Wheeler, Bismarck, ND, petitioner and appellant.

Justine S. Hesselbart, Grand Forks, ND, for respondent and appellee.

Wheeler v. State
Nos. 20220024-20220026

Per Curiam.

[¶1] LeRoy Wheeler appeals from a district court’s N.D. Sup. Ct. Admin. R. 58 vexatious litigant pre-filing order. The district court found Wheeler is a vexatious litigant after reviewing Wheeler’s lengthy history of filing unsuccessful pro-se litigation. The court’s order prohibits Wheeler from filing any new pro-se litigation without obtaining leave of a judge in the district where he proposes to file. Wheeler argues the order violates his constitutional rights and the judge who issued the order was biased against him. He also asserts he should have received a hearing.

[¶2] The issuance of an N.D. Sup. Ct. Admin. R. 58 pre-filing order is discretionary. *Matter of Emelia Hirsch Trust*, 2017 ND 291, ¶ 8, 904 N.W.2d 740. Whether to grant a hearing after receiving a response to a proposed pre-filing order is also a matter of discretion. N.D. Sup. Ct. Admin. R. 58(5). We review decisions on discretionary matters for an abuse of discretion. *Emelia Hirsch Trust*, at ¶ 8. Based on our review of the record, we conclude the district court did not abuse its discretion. We are not persuaded by Wheeler’s constitutional claims or his allegations of bias. *See Hale v. State*, 2012 ND 148, ¶ 12, 818 N.W.2d 684 (holding a party making a constitutional claim must provide persuasive authority and reasoning, and this Court will not consider arguments not adequately articulated, supported, and briefed). *See also Lucas v. Riverside Park Condos. Unit Owners Ass’n*, 2009 ND 217, ¶ 12, 776 N.W.2d 801 (adverse rulings alone are not evidence of bias). We summarily affirm under N.D.R.App.P. 35.1(a)(4) and (7).

[¶3] Jon J. Jensen, C.J.
Gerald W. VandeWalle
Daniel J. Crothers
Lisa Fair McEvers
Jerod E. Tufte