

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A21-1637**

Terance Simmons,
Appellant,

vs.

Judge Jamie L. Anderson,
Respondent.

**Filed September 6, 2022
Affirmed
Smith, Tracy M., Judge**

Hennepin County District Court
File No. 27-CV-21-10040

Terance Simmons, Minneapolis, Minnesota (self-represented appellant)

Keith Ellison, Attorney General, Benjamin Harringa, Assistant Attorney General, St. Paul,
Minnesota (for respondent)

Considered and decided by Smith, Tracy M., Presiding Judge; Segal, Chief Judge;
and Smith, John, Judge.*

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

Appellant Terance Simmons challenges the district court's dismissal of his civil
complaint against respondent Judge Jamie L. Anderson, arguing that the district court erred

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to
Minn. Const. art. VI, § 10.

by deciding that Simmons's action was barred by judicial immunity and that his complaint failed to state a claim. We affirm.

FACTS

Simmons sued his former landlord in conciliation court. After the conciliation court denied Simmons's claim, he removed the claim to Hennepin County District Court. Judge Anderson presided over the case. After Simmons failed to comply with discovery orders, respond to the defendant's counsel, and appear at a hearing on the defendant's motion for sanctions, Judge Anderson sanctioned Simmons by dismissing his claim with prejudice.

Simmons then brought the present action against Judge Anderson, alleging "neglect" and "discrimination." Judge Anderson moved to dismiss the complaint. Following a hearing at which Simmons did not appear, the district court granted Judge Anderson's motion, determining that Simmons's complaint was barred by judicial immunity and, alternatively, that the complaint failed to state a claim upon which relief can be granted.

Simmons appeals.

DECISION

Simmons argues that the district court erred by concluding that the doctrine of judicial immunity precludes his claims. Judicial immunity provides that a judge cannot be held liable in a civil action for their "judicial acts, however erroneous, or by whatever motives prompted." *Linder v. Foster*, 295 N.W. 299, 300 (Minn. 1940). This doctrine is broadly applied "to preserve judicial independence by allowing judges to act in their official capacity without fear of retaliatory civil suits." *Myers v. Price*, 463 N.W.2d 773,

775 (Minn. App. 1990), *rev. denied* (Minn. Feb. 4, 1991). The only time judicial immunity is not applicable is when the judge acts “wholly” outside their jurisdiction and “in a nonjudicial capacity.” *Hoppe v. Klapperich*, 28 N.W.2d 780, 789 (Minn. 1947). Whether immunity applies is a question of law that appellate courts review de novo. *Kariniemi v. City of Rockford*, 882 N.W.2d 593, 599 (Minn. 2016).

Judge Anderson’s actions fall squarely within the scope of conduct protected by judicial immunity, and Simmons’s argument otherwise is unpersuasive. He argues that Judge Anderson violated the “Professional code of conduct” and the “judicial code of conduct,” and that Judge Anderson acted outside her jurisdiction. But Judge Anderson’s actions were well within the scope of her judicial duties as the presiding judge. She dismissed Simmons’s actions pursuant to her judicial authority to sanction parties to litigation. *See* Minn. R. Civ. P. 37.02(b)(3) (providing that a court may dismiss a party’s action or render a default judgment for disobeying discovery orders); *Patton v. Newmar Corp.*, 538 N.W.2d 116, 118-19 (Minn. 1995) (stating that district court judges have “inherent judicial authority” to address party misconduct). Because Judge Anderson’s actions were well within her judicial capacity, Simmons’s claim is barred by judicial immunity as a matter of law.

Even if Judge Anderson’s actions were not covered by judicial immunity, Simmons’s complaint still was appropriately dismissed because it fails to state a claim under Minn. R. Civ. P. 12.02(e). “We review de novo whether a complaint sets forth a legally sufficient claim for relief.” *Walsh v. U.S. Bank, N.A.*, 851 N.W.2d 598, 606 (Minn. 2014); *see also Engstrom v. Whitebirch, Inc.*, 931 N.W.2d 786, 790 (Minn. 2019). In doing

so, “[w]e accept the facts alleged in the complaint as true and construe all reasonable inferences in favor of the nonmoving party.” *Walsh*, 851 N.W.2d at 606.

Simmons’s complaint alleges “neglect” and “discrimination” but bases those claims on the fact that Judge Anderson dismissed his claim against his former landlord and on vague allegations that Judge Anderson “violated 1st Amendment & all civil rights by being prejudice[d] and having no trial.” The fact that Judge Anderson dismissed Simmons’s complaint does not alone state a legally sufficient claim for relief. And, while Minnesota is a notice pleading state, *Halva v. Minn. Stat. Coll. & Univ.*, 953 N.W.2d 496, 500 (Minn. 2021), Simmons’s remaining allegations are so vague as to not adequately put Judge Anderson on notice of the basis for the claims against her or to set forth a cognizable claim for relief. Therefore, the district court’s dismissal of Simmons’s complaint for failure to state a claim was appropriate.

Finally, Simmons appears to argue that the district court judge presiding over the present case dismissed his case due to bias against him. We presume that a district court judge discharged their duties properly. *See Hannon v. State*, 752 N.W.2d 518, 522 (Minn. 2008). Adverse rulings by a judge do not, by themselves, constitute judicial bias. *State v. Sailee*, 792 N.W.2d 90, 96 (Minn. App. 2010), *rev. denied* (Minn. Mar. 15, 2011). Bias must be proved in light of the record as a whole. *Hannon*, 752 N.W.2d at 522. Other than a conclusory statement that the district court judge was biased against him, Simmons presents no legal or factual argument of bias. *See Schoepke v. Alexander Smith & Sons Carpet Co.*, 187 N.W.2d 133, 135 (Minn. 1971) (“An assignment of error based on mere assertion and not supported by any argument or authorities in appellant’s brief is waived

and will not be considered on appeal unless prejudicial error is obvious on mere inspection.”). Furthermore, this case was heard in a different judicial district than the one in which Judge Anderson presided to eliminate any real or perceived bias against Simmons. Simmons’s claim of judicial bias is without merit.

Affirmed.