

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 18-2385

Joel Marvin Munt

Plaintiff - Appellant

v.

Tom Roy; Mike Warner; David Coward

Defendants - Appellees

Appeal from U.S. District Court for the District of Minnesota - Minneapolis
(0:17-cv-05215-SRN)

JUDGMENT

Before WOLLMAN, BOWMAN and GRASZ, Circuit Judges.

The court has reviewed the original file of the United States District Court. Appellant's application to proceed in forma pauperis is granted. The full \$505 appellate filing and docketing fees are assessed against the appellant. Appellant may pay the filing fee in installments in accordance with 28 U.S.C. § 1915(b). The court remands the assessment and collection of those fees to the district court.

The appeal is dismissed for lack of jurisdiction as prematurely taken.

August 30, 2018

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

Appendix B

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 18-2385

Joel Marvin Munt

Appellant

v.

Tom Roy, et al.

Appellees

*Received 10/18/2018
Postmarked 10/19/2018*

Appeal from U.S. District Court for the District of Minnesota - Minneapolis
(0:17-cv-05215-SRN)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

October 09, 2018

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

Appendix C

Federal Constitution

Amd. 1

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amd. 14 Sec. 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Statutory Provisions

28 USC § 455

(b) He shall also disqualify himself in the following circumstances:

...

(5) He or his spouse, or a person within the third degree of relationship to either or them, or the spouse of such a person:

...

(iv) Is to the judge's knowledge likely to be a material witness in the proceeding.