

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ARIZONA HALL JR.,)
Plaintiff(,)
v.) No. 4:21-CV-01232-CDP
UNITED STATES, et al.,)
Defendants.)

ORDER

IT IS HEREBY ORDERED that the above styled cause is randomly reassigned to the

Honorable Ronnie L. White.

October 15, 2021
Date

Gregory J. Linhares /
Clerk of Court

By: /s/ Lori Miller Young /
LORI MILLER YOUNG
Chief
Deputy Clerk

In all future documents filed with the Court, please use the following case number:
4:21-CV-01232-RLW

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ARIZONA HALL, JR.)
)
 Plaintiff,)
)
 v.) No. 4:21-CV-1232 RLW
)
 UNITED STATES, STEPHEN N.)
 LIMBAUGH, TERRY I. ADELMAN,)
 DAVID D. NOCE, MARGARET M.)
 NEILL, and MICHAEL K. MULLIN,)
)
 Defendants.)

ORDER OF DISMISSAL

In accordance with the Memorandum and Order issued on this date and incorporated herein,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice.

IT IS HEREBY CERTIFIED that an appeal from this action would not be taken in good faith.

Dated this 19th day of October, 2021.

Ronnie L. White
RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

Appendix B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ARIZONA HALL, JR.,)
)
 Plaintiff,)
)
 v.) No. 4:21-CV-1232 RLW
)
 UNITED STATES, et al.,)
)
 Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on the motion of self-represented plaintiff Arizona Hall, Jr. for leave to commence this civil action without prepayment of the required filing fee. Upon review of plaintiff's financial information, the Court will grant his motion. For the following reasons, the Court will dismiss plaintiff's complaint under 28 U.S.C. § 1915(e)(2)(B).

Legal Standard on Initial Review

Under 28 U.S.C. § 1915(e)(2), the Court is required to dismiss a complaint filed in forma pauperis if it is frivolous, malicious, or fails to state a claim upon which relief may be granted. An action is frivolous if it "lacks an arguable basis in either law or fact." *Neitzke v. Williams*, 490 U.S. 319, 328 (1989). An action fails to state a claim upon which relief may be granted if it does not plead "enough facts to state a claim to relief that is plausible on its face." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007).

"A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Determining whether a complaint states a plausible claim for relief is a context-specific task that requires the reviewing court to draw upon judicial

experience and common sense. *Id.* at 679. The court must assume the veracity of well-pleaded facts, but need not accept as true “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements.” *Id.* at 678 (citing *Twombly*, 550 U.S. at 555).

Discussion

Plaintiff brings this case pursuant to 42 U.S.C. § 1983 alleging that defendants the United States, three federal judges, and two state court judges violated his constitutional rights to equal protection and due process of law when they conspired to deny plaintiff his civil rights during his trial, as well as during his post-conviction proceedings. Plaintiff's claims against Missouri Circuit Judges Margaret M. Neill and Michael K. Mullin arise out of his underlying state law convictions. *See Missouri v. Hall*, No. 0922-CR01820-01 (City of St. Louis) (assault); *Missouri v. Hall*, No. 1022-CR04975-01 (firearms). Plaintiff's claims against federal Judges Stephen N. Limbaugh, Terry I. Adelman,¹ and David D. Noce appear to arise from habeas corpus proceedings.²

Plaintiff's arguments are difficult to interpret, but he seems to allege the original indictments against him were void and the state court had no jurisdiction over him. He also alleges he was convicted because the judges were racially prejudiced against him.

Plaintiff filed three prior § 1983 cases arising out of his state court criminal convictions: *Hall v. State of Missouri*, No. 4:16-CV-291-CDP (E.D. Mo. filed Mar. 2, 2016), and *Hall v. United*

¹On March 22, 2013, plaintiff, a pretrial detainee at the time, filed a mixed application for writ of habeas corpus under 28 U.S.C. § 2241 and a civil rights complaint under 42 U.S.C. § 1983. The Court ordered plaintiff to file an amended application for writ of habeas corpus pursuant to 28 U.S.C. § 2241, and plaintiff did so on April 18, 2013, asserting a violation of his bond rights. *Hall v. Edwards*, 4:13-CV-556 SNLJ (E.D. Mo. filed March 22, 2013). The late Judge Terry I. Adelman filed a Report and Recommendation on December 31, 2013, recommending that the petition be dismissed as moot because petitioner had been sentenced. Judge Limbaugh adopted the Report and Recommendation and dismissed the action on January 21, 2014.

²On January 25, 2013, plaintiff filed a letter with the Court asserting that his right not to be subject to excessive bond was being violated. *See Hall v. State of Missouri*, 4:13-CV-178 DDN

States Government, No. 4:18-CV-2038-ACL (E.D. Mo. filed Nov. 30, 2018); and *Hall v. City of St. Louis*, No. 4:19-CV-2529-SRC (E.D. Mo. filed September 10, 2019).³ In all prior cases, the Court dismissed plaintiff's complaints because (1) the defendants could not be held liable under § 1983 because of judicial or sovereign immunity; (2) plaintiff's claims were barred by the principle of *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994), and (3) plaintiff's complaint was malicious. *See Hall v. State of Missouri*, ECF No. 17, *Hall v. United States Government*, ECF No. 4; and *Hall v. City of St. Louis*, ECF No. 8.

Here, the Court will dismiss plaintiff's claims as legally frivolous for the same reasons they have been dismissed on initial review three times before. In addition, § 1983 claims are analogous to personal injury claims and are subject to Missouri's five-year statute of limitations. *See Sulik v. Taney County, Mo.*, 393 F.3d 765, 766-67 (8th Cir. 2005); Mo. Rev. Stat. § 516.120(4). Plaintiff's claims arise out of his 2013 state court criminal convictions, and the habeas decisions he complains of were decided by this Court in 2013 and 2014. Plaintiff did not file this action until October 13, 2021. As such, this case is also barred by the applicable five-year statute of limitations for § 1983 suits.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis is **GRANTED**. [ECF No. 3]

(E.D. Mo. filed January 25, 2013). When plaintiff refused to consent to the characterization of the case as a petition for writ of habeas corpus, his action was dismissed without prejudice by the Honorable E. Richard Webber on March 8, 2013.

³Plaintiff also filed two prior petitions pursuant to 28 U.S.C. § 2254, both of which were denied. *See Hall v. Koster*, No. 4:16-CV-1528-AGF (E.D. Mo. filed Sept. 26, 2016) (claims brought against assault conviction pursuant to 28 U.S.C. § 2254); *Hall v. Hawley*, 4:16-CV-1739-CDP (E.D. Mo. filed Nov. 4, 2016) (claims brought against firearms convictions pursuant to 28 U.S.C. § 2254).

IT IS FURTHER ORDERED that plaintiff's complaint is **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that all pending motions are **DENIED as moot**. [ECF No. 2]

An Order of Dismissal will accompany this Memorandum and Order.

Dated this 19th day of October, 2021.

RONNIE L. WHITE
RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

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

No: 21-3557

Arizona Hall

Appellant

v.

United States, et al.

Appellees

Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis
(4:21-cv-01232-RLW)

ORDER

If the original file of the United States District Court is available for review in electronic format, the court will rely on the electronic version of the record in its review. The appendices required by Eighth Circuit Rule 30A shall not be required. In accordance with Eighth Circuit Local Rule 30A(a)(2), the Clerk of the United States District Court is requested to forward to this Court forthwith any portions of the original record which are not available in an electronic format through PACER, including any documents maintained in paper format or filed under seal, exhibits, CDs, videos, administrative records and state court files. These documents should be submitted within 10 days.

November 12, 2021

Order Entered Under Rule 27A(a):
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

Appendix D

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ARIZONA HALL, JR.,)
Plaintiff,)
v.)
UNITED STATES, et al,)
Defendants.)
No. 4:21-CV-1232 RLW

MEMORANDUM AND ORDER

Before the Court is plaintiff's post-dismissal motion to "reinstate the complaint." (ECF No. 16) After reviewing plaintiff's motion the Court will deny plaintiff's request to "reinstate the complaint."

Background

Plaintiff, Arizona Hall, Jr., filed the instant action brought pursuant to 42 U.S.C. § 1983 on October 13, 2021. In his complaint, plaintiff asserted that the defendants—the United States, three federal judges, and two state court judges—violated his constitutional rights to equal protection and due process of law when they conspired to deny plaintiff his civil rights during his trial, as well as during his post-conviction proceedings. Plaintiff alleged the original indictments against him were void and the state court had no jurisdiction over him. He also alleged he was convicted because the judges were racially prejudiced against him.

Plaintiff's claims against Missouri Circuit Judges Margaret M. Neill and Michael K. Mullin arise out of his underlying state law convictions. *See Missouri v. Hall*, No. 0922-CR01820-01 (City of St. Louis) (assault); *Missouri v. Hall*, No. 1022-CR04975-01 (firearms). Plaintiff's claims

against federal Judges Stephen N. Limbaugh, Terri I. Adelman¹ and David D. Noce appear to arise from habeas corpus proceedings.² The Court reviewed plaintiff's complaint pursuant to 28 U.S.C. § 1915 and dismissed this action as legally frivolous on October 19, 2021.³

Plaintiff filed a motion for reconsideration of the dismissal on November 1, 2021, and the Court denied the motion for reconsideration on November 9, 2021. (ECF No. 8.) Plaintiff filed a notice of appeal of the dismissal on November 10, 2021. (ECF No. 9.) The appeal of this matter is currently pending in the Eighth Circuit Court of Appeals. *Hall v. United States*, No. 21-3557 (8th Cir. 2021).

Discussion

In his motion to "reinstate the complaint," plaintiff states that this Court should overturn the dismissal of this action and "reinstate" the complaint because "fraud on the court" occurred

¹On March 22, 2013, plaintiff, a pretrial detainee at the time, filed a mixed application for writ of habeas corpus under 28 U.S.C. § 2241 and a civil rights complaint under 42 U.S.C. § 1983. The Court ordered plaintiff to file an amended application for writ of habeas corpus pursuant to 28 U.S.C. § 2241, and plaintiff did so on April 18, 2013, asserting a violation of his bond rights. *Hall v. Edwards*, 4:13-CV-556 SNLJ (E.D. Mo. filed March 22, 2013). The late Judge Terry I. Adelman filed a Report and Recommendation on December 31, 2013, recommending that the petition be dismissed as moot because petitioner had been sentenced. Judge Limbaugh adopted the Report and Recommendation and dismissed the action on January 21, 2014.

²On January 25, 2013, plaintiff filed a letter with the Court asserting that his right not to be subject to excessive bond was being violated. See *Hall v. State of Missouri*, 4:13-CV-178 DDN (E.D. Mo. filed January 25, 2013). When plaintiff refused to consent to the characterization of the case as a petition for writ of habeas corpus, his action was dismissed without prejudice by the Honorable E. Richard Webber on March 8, 2013.

³In the Memorandum and Order accompanying the Order of Dismissal, the Court noted that plaintiff had filed three prior similar actions in this Court pursuant to 42 U.S.C. § 1983. See *Hall v. State of Missouri*, No. 4:16-CV-291-CDP (E.D. Mo. filed Mar. 2, 2016); *Hall v. United States Government*, No. 4:18-CV-2038-ACL (E.D. Mo. filed Nov. 30, 2018); and *Hall v. City of St. Louis*, No. 4:19-CV-2529-SRC (E.D. Mo. filed September 10, 2019). In all of these prior cases, the Court dismissed plaintiff's complaints because (1) the defendants could not be held liable under § 1983 because of judicial or sovereign immunity; (2) plaintiff's claims were barred by the principle of *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994), and (3) plaintiff's complaint was malicious. See *Hall v. State of Missouri* (ECF No. 17), *Hall v. United States Government*, (ECF No. 4); and *Hall v. City of St. Louis* (ECF No. 8).

when defendant Circuit Judge Margaret M. Neill entered a judgment against plaintiff of assault in the second degree without jurisdiction and held that plaintiff was a persistent offender.

“The filing of a notice of appeal … confers jurisdiction on the court of appeals and divests the district court o[f] its control over those aspects of the case involved in the appeal.” *Liddell v. Bd. of Educ.*, 73 F.3d 819, 822 (8th Cir. 1996) (quoting *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982)). But filing a notice of appeal does not prevent a district court from taking action in furtherance of the appeal or prevent it from hearing motions on collateral matters to those at issue on appeal. *Mahone v. Ray*, 326 F.3d 1176, 1179 (11th Cir. 2003) (citations omitted). A district court retains jurisdiction to **deny** a motion for relief from a judgment or order brought under Rule 60(b),⁴ because a denial is in furtherance of the appeal. However, a district court lacks the ability to **grant** a Rule 60(b) motion. *Id.* at 1180; *Hunter v. Underwood*, 362 F.3d 468, 475 (8th Cir. 2004). When presented with a Rule 60(b) motion after a notice of appeal has been filed, the Eighth Circuit has explicitly instructed that a district court should consider the motion and assess its merits. *Hunter*, 362 F.3d at 475.

The Court concludes that plaintiff’s motion fails to point to any manifest errors of law or fact, or any newly discovered evidence. And although plaintiff asserts his motion is based on fraud, his allegations merely revisit old arguments relating to his belief that the state court lacked

⁴ Federal Rule of Civil Procedure 60(b) states:

On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

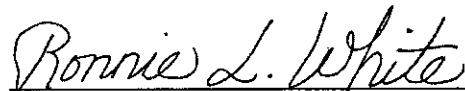
jurisdiction over his convictions. Plaintiff is therefore not entitled to "reinstatement" of his complaint, and his motion will be denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to "reinstate his complaint" (ECF No. 16) is **DENIED**.

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

Dated this 10th day of December, 2021.


RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

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

No: 21-3557

Arizona Hall

Plaintiff - Appellant

v.

United States; Stephen N. Limbaugh; Terry Adleman; David D. Noce; Margaret M. Neill;
Michael Mullin

Defendants - Appellees

Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis
(4:21-cv-01232-RLW)

JUDGMENT

Before KELLY, GRASZ, and STRAS, Circuit Judges.

Appellant's motion for leave to proceed on appeal in forma pauperis is granted. This court has reviewed the original file of the United States District Court. It is ordered by the court that the judgment of the district court is summarily affirmed. See Eighth Circuit Rule 47A(a). The motion to reinstate the complaint is denied as moot.

January 18, 2022

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

/s/ Michael E. Gans

Appendix F

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

No: 21-3557

Arizona Hall

Appellant

v.

United States, et al.

Appellees

Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis
(4:21-cv-01232-RLW)

ORDER

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

February 22, 2022

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

/s/ Michael E. Gans

Appendix G

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 21-3557

Arizona Hall

Appellant

v.

United States, et al.

Appellees

Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis
(4:21-cv-01232-RLW)

MANDATE

In accordance with the judgment of 01/18/2022, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above-styled matter.

March 01, 2022

Clerk, U.S. Court of Appeals, Eighth Circuit

Appendix H

455 S.W.3d 461, *; 2014 Mo. App. LEXIS 1146, **

STATE OF MISSOURI, Respondent, vs. ARIZONA HALL, JR., Appellant.

No. ED100615

COURT OF APPEALS OF MISSOURI, EASTERN DISTRICT, DIVISION FOUR

455 S.W.3d 461; 2014 Mo. App. LEXIS 1146

October 14, 2014, Filed

PRIOR HISTORY: [**1] Appeal from the Circuit Court of the City of St. Louis. Honorable Margaret M. Neill.

COUNSEL: FOR APPELLANT: Timothy J. Forneris, St. Louis, Missouri.

FOR RESPONDENT: Chris Koster, Jefferson City, Missouri.

JUDGES: Before Patricia L. Cohen, P.J., Roy L. Richter, J., and Robert M. Clayton III, J.

OPINION

[*461] PER CURIAM

ORDER

Arizona Hall, Jr. ("Appellant") appeals from a judgment of the trial court, following a jury verdict finding him guilty of domestic assault in the third degree, in violation of Section 565.074, RSMo (2000). Appellant argues the trial court abused its discretion in allowing the State of Missouri ("State") to make improper remarks during its closing argument, and in allowing Detective Connie Hoffman ("Det. Hoffman") to testify about the "cycle of violence."

We have reviewed the briefs of the parties and the record on appeal and find no error of law. No jurisprudential purpose would be served by a written opinion. However, the parties have been furnished with a memorandum for their information [*462] only, setting forth the facts and reasons for this order.

This document is affirmed pursuant to Rule 30.25(b).