

APPENDIX (ATTACHED)

Appendix A -Eight Circuit Court order December 02, 2025
dspositive order

Appendix B- Eighth Circuit Order dated January 14, 2026,
denying rehearing

Appendix C- Northern District of Iowa Court order of
dismissal dated

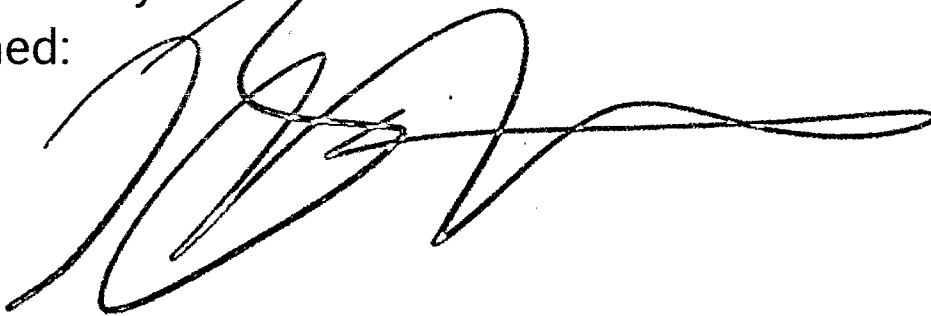
-I.F.P Motion

-Affidavit in support of I.F.P Motion

-Petition for Writ of Certiorari

Billy Dewayne Frazier IV

Signed:

A large, stylized handwritten signature in black ink, appearing to be 'BDF' followed by a long horizontal flourish.

Date: ~~03/03/2026~~

10/15/26

United States Court of Appeals
For The Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329
St. Louis, Missouri 63102

Susan E. Bindler
Clerk of Court

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December 02, 2025

Billy Frazier
3316 Oakland Road, N.E.
Cedar Rapids, IA 52402

RE: 25-2637 Billy Frazier v. Judge Casey Jones, et al

Dear Billy Frazier:

Enclosed is a copy of the dispositive order in the referenced appeal. Please note that FRAP 40 of the Federal Rules of Appellate Procedure requires any petition for rehearing to be filed within 14 days after entry of judgment. Counsel-filed petitions must be filed electronically in CM/ECF. Paper copies are not required. This court strictly enforces the 14 day period. Except as provided by Rule 25(a)(2)(iii) of the Federal Rules of Appellate Procedure, **no grace period for mailing is granted** for pro-se-filed petitions. A petition for rehearing or a motion for an extension of time must be filed with the Clerk's office within the 14 day period.

Susan E. Bindler
Clerk of Court

DAK

Enclosure(s)

cc: Clerk, U.S. District Court, Northern Iowa

District Court/Agency Case Number(s): 1:25-cv-00033-CJW

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

No: 25-2637

Billy Frazier

Appellant

v.

Judge Casey Jones, et al.

Appellees

Appeal from U.S. District Court for the Northern District of Iowa - Cedar Rapids
(1:25-cv-00033-CJW)

ORDER

The petition for rehearing by the panel is denied.

January 14, 2026

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

/s/ Susan E. Bindler

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

No: 25-2637

Billy Frazier

Plaintiff - Appellant

v.

Judge Casey Jones; Judge Nicholas L. Scott; Judge Russell Keast; Judge Rachel Morgan; Nicholas Maybanks, District Attorney; Heidi Weiland, Assistant District Attorney; Jerry A. Vander Sanden; Robert L. Teig; Marion Police Department; Unknown, Marion Police Officers; Wright Elementary School; Brian Cobb, Principal Wright Elementary School; Unknown, Wright Elementary School Officials; Iowa Board of Education; Federal Prosecution Office, Northern District of Iowa; Linda R. Reade; Judge Carrie Bryner; Cory Jon Goldensohn, Attorney; Jemey D. Elges, Attorney; Jeffrey Fields, Attorney; Amber Foley, Attorney; Kristen L. Denniger, Attorney; Nathan Trimble, Officer; Cody Mosher, Officer; Emily Kuba, Officer; Ben McAtee, Officer; Judge Jane Kelly, Circuit Judge; Niekedra Tucker; Judge Heidi Carmer; Unknown, Prosecutor from 2016; Unknown, Department of Transportation Officials; Clerks of Court; Iowa Department of Human Services, Also known as DHS and HHS; Unknown, DHS Officials; Unknown, Juvenile Court Attorneys; Unknown, DHS Caseworkers; Linn County, Public Defender's Office; Linn County Attorney's Office; Cedar Rapids Police Department; Unknown Officials

Defendants - Appellees

Appeal from U.S. District Court for the Northern District of Iowa - Cedar Rapids
(1:25-cv-00033-CJW)

JUDGMENT

Before GRUENDER, SHEPHERD, and ERICKSON, Circuit Judges.

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).

Appellant's pending motions are denied as moot.

December 02, 2025

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

/s/ Susan E. Bindler

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

BILLY DEWAYNE FRAZIER, IV,

Plaintiff,

vs.

JUDGE CASEY JONES, et al.,

Defendants.

No. 25-CV-33-CJW-MAR

INITIAL REVIEW ORDER

This matter is before the Court on plaintiff Billy DeWayne Frazier, IV's pro se amended complaint (Doc. 85) and pro se motion for expedited relief (Doc. 88). For the reasons set forth below, the Court **dismisses** the amended complaint for failure to state a claim.

I. BACKGROUND

On March 26, 2025, plaintiff filed a pro se complaint (Doc. 1-1) and a motion to proceed in forma pauperis (Doc. 1). That initial complaint against dozens of defendants asserted he was bringing suit under Title 42, United States Code, Section 1983 and Title 18, United States Code, Section 1962 for a "coordinated conspiracy spanning 2007-2024 involving law enforcement, prosecutors, judges, court clerks, DHS officials, and attorneys." (Doc. 1-1, at 1). He subsequently filed a motion for a preliminary injunction (Doc. 2), a motion to appoint a special master (Doc. 3), a motion for discovery (Doc. 10), a motion for recusal (Doc. 12), a motion to certify class (Doc. 15), a motion to file an amended complaint (Doc. 21), and a motion for expedited relief (Doc. 23). Plaintiff also filed approximately a dozen supplements. (Docs. 4-9, 11, 13, 14, 16-20, 22, & 24).

On April 17, 2025, the Court entered an omnibus order (Doc. 25) granting his motion to proceed in forma pauperis and construing plaintiff's filing to be a Title 42,

United States Code, Section 1983 complaint. Noting numerous deficiencies in the complaint, the Court gave plaintiff 30 days to file an amended complaint using a provided, standard, form. (*Id.*, at 8-9, 17). The Court explained that Federal Rule of Civil Procedure 8 requires a short and plain statement showing the pleader is entitled to relief, that to state a cause of action a plaintiff must do more than merely plead labels and conclusions devoid of factual allegations, that Section 1983 actions are subject to a two-year statute of limitations, and that judges enjoy absolute judicial immunity. (*Id.*, at 9). In addition, the Court denied his other pending motions, including a motion for recusal and motion for a preliminary injunction. The Court subsequently granted plaintiff 60 additional days to file his amended complaint. (Doc. 40)

Plaintiff continued filing numerous documents, including supplements to his complaint and a motion to reconsider. (*See, e.g.*, Docs. 26-37). On April 29, 2025, the Court entered an order (Doc. 38) denying a motion to reconsider (Doc. 37). The Court stated that “[i]f Frazier wishes to continue case 25-CV-0033-CJW-MAR, he must file an amended complaint as directed by the Court in its prior order. The Court will not mine the more than 30 separate documents Frazier filed in 25-CV-0033-CJW-MAR to try to piece together a coherent claim.” (Doc. 38, at 5-6).

Among numerous subsequent filings, (*see, e.g.*, Docs. 41, 42, 45-47, 50-66), plaintiff filed a motion (Doc. 44) to strike the Court’s prior orders, which the Court construed as an additional motion to reconsider and then denied. (Doc. 67). Denying plaintiff’s motion (Doc. 52) for a preliminary injunction, motion (Doc. 56) for sanctions, and a motion (Doc. 57) to expand the record, the Court stated that “[u]ntil and unless Frazier files an amended complaint that complies with the Court’s prior order, there is no complaint pending in that case because Frazier’s original filing was fatally deficient” and to continue the case “he must file an amended complaint as set out in the Court’s prior orders by July 1, 2025. (Doc. 67, at 5).

On July 28, 2025, the Eighth Circuit Court of Appeals affirmed the denial of a preliminary injunction, dismissed his appeal of the denial of class certification, and denied

as moot his emergency petition for a writ of mandamus and motion for alternative means of service. (Doc. 87).

On July 2, 2025, plaintiff filed the current third amended complaint (Doc. 85) and on July 29, 2025, filed a pro se motion for expedited relief (Doc. 88).

II. INITIAL REVIEW STANDARD

A court must liberally construe a pro se complaint. *See Hughes v. Rowe*, 449 U.S. 5, 9 (1980); *Haines v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam); *Smith v. St. Bernards Reg'l Med. Ctr.*, 19 F.3d 1254, 1255 (8th Cir. 1994); *see also Stone v. Harry*, 364 F.3d 912, 914 (8th Cir. 2004). Nevertheless, the Court may dismiss an in forma pauperis complaint if it is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant that is immune from a monetary judgment. 28 U.S.C. § 1915(e)(2).

In reviewing an in forma pauperis complaint, unless the facts alleged are clearly baseless, they must be weighed in favor of the plaintiff. *See Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992). Pro se complaints, however, must allege sufficient facts to support the plaintiff's claim. *Stone*, 364 F.3d at 914. A claim is "frivolous" if it "lacks an arguable basis in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *accord Cokeley v. Endell*, 27 F.3d 331, 332 (8th Cir. 1994). In determining whether a complaint fails to state a claim under Section 1915(e)(2), courts generally rely on the standards articulated under to Federal Rule of Civil Procedure 12(b)(6). *Mitchell v. Farcass*, 112 F.3d 1483, 1490 (11th Cir. 1997); *see also Atkinson v. Bohn*, 91 F.3d 1127, 1128-29 (8th Cir. 1996) (applying Rule 12(b)(6) standard to a dismissal under 28 U.S.C. § 1915(e)(2)). An action fails to state a claim upon which relief can be granted if it does not plead "enough facts to state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). Under Section § 1915(e)(2), a court may review the complaint and dismiss sua sponte those claims that fail "to raise a right to relief above the speculative level," *id.* at 555, or that are premised on meritless legal theories or clearly lack any factual basis, *see Neitzke*, 490 U.S. at 325.

III. INITIAL REVIEW ANALYSIS

A. Section 1983 Standard

Title 42, United States Code, Section 1983 provides, in relevant part: Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory . . . subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress...

Section 1983 was designed to provide a "broad remedy for violations of federally protected civil rights." *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 685 (1978). However, Title 42, United States Code, Section 1983 provides no substantive rights. *See Albright v. Oliver*, 510 U.S. 266, 271 (1994); *Graham v. Conner*, 490 U.S. 386, 393-94 (1989); *Chapman v. Houston Welfare Rights Org.*, 441 U.S. 600, 617 (1979). "One cannot go into court and claim a 'violation of [Section] 1983'—for [Section] 1983 by itself does not protect anyone against anything." *Chapman*, 441 U.S. at 617. Rather, Section 1983 provides a remedy for violations of all "rights, privileges, or immunities secured by the Constitution and laws [of the United States]." 42 U.S.C. § 1983; *see also Albright*, 510 U.S. at 271 (stating that Section 1983 "merely provides a method for vindicating federal rights elsewhere conferred."); *Graham*, 490 U.S. at 393-94 (same); *Maine v. Thiboutot*, 448 U.S. 1, 4 (1980) ("Constitution and laws" means Section 1983 provides remedies for violations of rights created by federal statute, as well as those created by the Constitution.). To state a claim under Section 1983, a plaintiff must establish: (1) the violation of a right secured by the Constitution or laws of the United States and (2) the alleged deprivation of that right was committed by a person acting under color of state law. *See West v. Atkins*, 487 U.S. 42, 48 (1988).

B. Initial Review Analysis

Plaintiff filed an amended complaint but, despite the Court's clear direction, he failed to use the provided standard Section 1983 form. Rather, his amended complaint

states it is filed under Section 1983, the RICO Act, the Americans with Disabilities Act, the Federal Tort Claims Act, and “[a]ll applicable state and federal constitutional provisions.” (Doc. 85, at 1). He alleges “organized misconduct” over the course of eighteen years by dozens of defendants whom he divides into seven categories: law enforcement officers, judges and court officials, prosecutors and district attorneys, public defendants and private attorneys, “DHS/school/child support officials,” “other government/civilian actors,” and “unnamed/unknown actors.” (*Id.*, at 2-6). Plaintiff lists the constitutional and statutory violations that he alleges have occurred as follows:

- First Amendment: Redress, religion, freedom of expression
- Fourth Amendment: Illegal search and seizure
- Fifth Amendment: Due process, coerced pleas
- Sixth Amendment: Right to effective assistance and fair trial
- Fourteenth Amendment: Equal protection, selective prosecution
- ADA Title II: Failure to accommodate disabilities
- 42 U.S.C. § 1983: Civil rights violations
- 18 U.S.C. § 1962: RICO conspiracy
- FTCA: Federal liability for tortious acts

(Doc. 85, at 6-7). Next to defendants’ names, plaintiff includes a phrase such as “participated in unconstitutional stop/search,” “intimidated Plaintiff regarding federal gun case,” “conflict of interest,” “colluded with foster family,” “sabotaged civil suit in 2014.” (*Id.*, at 2-6). Plaintiff states that he incorporates all documents, exhibits, transcripts, and filings submitted in three other cases and three appeals. (*Id.*, at 7).

Plaintiff’s amended complaint suffers from the same deficiencies that the Court identified in his initial complaint. Once again, he only provides vague and conclusory assertions lacking factual allegations that, taken as true, would support those conclusions. *See Wiles v. Capitol Indem. Corp.*, 280 F.3d 868, 870 (8th Cir. 2002) (“While the court must accept allegations of fact as true . . . the court is free to ignore legal conclusions, unsupported conclusions, unwarranted inferences and sweeping legal conclusions cast in the form of factual allegations”); *Neubauer v. FedEx Corp.*, 849 F.3d 400, 404 (8th Cir. 2017) (stating a claim requires more than “labels and conclusions or a formulaic recitation

of the elements of a cause of action.”); *see also Kaylor v. Fields*, 661 F.2d 1177, 1183 (8th Cir. 1981) (stating that a “complaint must contain something more than mere conclusory statements that are unsupported by specific facts”). As this Court has previously explained to plaintiff, a pro se litigant “is not excused from complying with procedural rules, including Federal Rule of Civil Procedure 8, which requires a short and plain statement showing the pleader is entitled to relief, and that each allegation in the pleading be simple, concise, and direct.” *Cody v. Loen*, 468 F. App’x 644, 645 (8th Cir. 2012) (unpublished per curiam) (citation omitted). To state a cause of action, “[a] pleading that merely pleads labels and conclusions, or a formulaic recitation of the elements of a cause of action, or naked assertions devoid of factual enhancement will not suffice.” *Hamilton v. Palm*, 621 F.3d 816, 817-18 (8th Cir. 2010); *see also Stone*, 364 F.3d at 914 (8th Cir. 2004) (“Though pro se complaints are to be construed liberally, they still must allege sufficient facts to support the claims advanced.”) (citation omitted). Plaintiff has failed to provide a statement of facts clearly explaining how each defendant violated his rights and showing he is entitled to relief.

Plaintiff has only stated general, conclusory accusations but he does not allege when the events giving rise to each of his claims occurred, he does not allege any facts supporting or clarifying those conclusions, and he fails to allege facts showing that he is entitled to relief. As such, plaintiff’s allegations are merely speculative and conclusory. *See Torti v. Hoag*, 868 F.3d 666, 671 (8th Cir. 2017) (“Courts are not bound to accept as true a legal conclusion couched as a factual allegation, and factual allegations must be enough to raise a right to relief above the speculative level”). For example, plaintiff states “Jail Staff – Sabotaged habeas filings” and “Iowa DOT Personnel – Violated ADA and court orders.” (*Id.*, at 6). He fails to state when this happened, what jail staff member engaged in what particular act, or how that act caused harm to plaintiff. Plaintiff’s amended complaint therefore fails to state a claim upon which relief can be granted. Because he fails to state a cognizable claim, his complaint must be dismissed.

In addition, many of plaintiff's claims are untimely. Plaintiff contends that defendants have violated his rights over the course of eighteen years. Section 1983 claims and claims brought under Title II of the ADA are governed by the relevant state's personal injury statute of limitations. *Wycoff v. Menke*, 773 F.2d 983, 984 (8th Cir. 1985); *Gaona v. Town & Country Credit*, 324 F.3d 1050, 1055-56 (8th Cir. 2003). In Iowa, those actions are subject to a two-year statute-of-limitations. *See* Iowa Code § 614.1(2). Thus, allegations of the violation of his rights dating more than two years prior to the filing of his complaint are time-barred. Most of his conclusory allegations directed to defendants are undated, but the dates he does include for several claims demonstrate those claims are untimely. For example, he asserts that Deidra Terpkosch-Anderson "[c]olluded in 2007 public defender sabotage," Judge Jane Kelly "[c]oerced Plaintiff in 2007," Shoemaker & Jacobson "[s]abotaged civil suit in 2014," Robert Teig was a "[f]ederal prosecutor in 2007 gun case [who] coerced guilty plea," and Heidi Carmer "[c]oerced 2016 guilty plea using children as leverage.

Finally, many of the defendants are either immune or improper Section 1983 defendants. Section 1983 specifically provides for a federal cause of action against a person who, under color of state law, violates another's federal rights. Plaintiff does not allege facts that would show that many of the defendants, such as landlords, companies, public defenders and law firms, are state actors. For purposes of Section 1983, for example, the Supreme Court has held that "a public defender does not act under color of state law when performing a lawyer's traditional functions as counsel to a defendant in a criminal proceeding." *Polk Cty. v. Dodson*, 454 U.S. 312, 325 (1981). *See also Myers v. Vogel*, 960 F.2d 750, 750 (8th Cir. 1992) (stating that attorneys who represented plaintiff, "whether appointed or retained, did not act under color of state law and, thus, are not subject to suit under section 1983"); *Holbird v. Armstrong-Wright*, 949 F.2d 1019, 1020 (8th Cir. 1991) ("[t]he conduct of counsel, either retained or appointed, in representing clients, does not constitute action under color of state law of purposes of section 1983 violations"); and *Rogers v. Bruntrager*, 841 F.2d 853, 856 (8th Cir. 1988)

("[p]ublic defenders do not act under color of state law for purposes of 42 U.S.C. § 1983 when performing the traditional functions of defense counsel").

In addition, it is well settled that judicial officials are entitled to absolute immunity from suit for the performance of duties that are integral parts of the judicial process as long as the judicial function was granted immunity under common law at the time Section 1983 was enacted. See *Briscoe v. LaHue*, 460 U.S. 325, 335 (1983). Judges enjoy absolute judicial immunity, which "is an immunity from suit, not just from ultimate assessment of damages." *Mireles v. Waco*, 502 U.S. 9, 11 (1991). "[J]udicial immunity is not overcome by allegations of bad faith or malice . . ." *Id.*; see also *Pierson v. Ray*, 386 U.S. 547, 554 (1967) ("[I]mmunity applies even when the judge is accused of acting maliciously or corruptly . . .").

Similarly, prosecutors are generally immune from suit when acting in their official capacities. In *Imbler v. Pachtman*, 424 U.S. 409 (1976), the Supreme Court held that "in initiating a prosecution and in presenting the State's case, the prosecutor is immune from a civil suit for damages under § 1983." *Id.* at 431. "Absolute immunity covers prosecutorial functions such as the initiation and pursuit of a criminal prosecution, the presentation of the state's case at trial, and other conduct that is intimately associated with the judicial process." *Brodnicki v. City of Omaha*, 75 F.3d 1261, 1266 (8th Cir. 1996).

In addition, DHS workers involved in a child protective action are entitled to immunity. See *Thomason v. SCAN Volunteer Servs., Inc.*, 85 F.3d 1365, 1373 (8th Cir. 1996) (holding that social workers involved in bringing a child abuse case are protected by prosecutorial immunity and social workers involved in testifying in a child abuse case are protected by absolute witness immunity).

As such, many of the dozens of defendants are either immune or improper Section 1983 defendants.

For all of the reasons explained above, plaintiff's amended complaint fails to state a claim upon which relief may be granted.¹

IV. MOTION FOR EXPEDITED RELIEF

On July 29, 2025, plaintiff filed a pro se motion (Doc. 88) "to accept amended complaint and request to proceed toward injunctive relief" that was docketed as a motion for expedited relief. Plaintiff's motion is **denied as moot**.

V. CONCLUSION

For the reasons stated:

1. Upon an initial review, plaintiff's amended complaint (Doc. 85) fails to state a claim for which relief can be granted and this case is **dismissed** without prejudice.
2. Plaintiff's motion (Doc. 88) for expedited relief is **denied as moot**.
3. Under Federal Rule of Appellate Procedure 4(a)(1), parties wishing to appeal a judgment in a civil case must file a notice of appeal "with the district clerk within 30 days after entry of the judgment or order appealed from." The Clerk's office is directed to send plaintiff a copy of Form 1A from the Appendix of Forms from the Federal Rules of Appellate Procedure.

IT IS SO ORDERED this 13th day of August, 2025.



C.J. Williams, Chief Judge
United States District Court
Northern District of Iowa

¹ And again, as the Court repeatedly informed plaintiff, the Court is not going to sort through eighty docket entries to try to piece together potentially plausible claims that are not stated in his complaint.