

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

SEP - 2 2009

Clerk, U.S. District and
Bankruptcy Courts

Jeffrey M. Young-Bey,)
)
Plaintiff,)
)
v.)
)
Wendell C. Robinson,)
)
Defendant.)

Civil Action No.

09 1669

MEMORANDUM OPINION

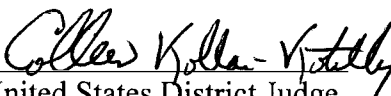
This matter is before the Court on review of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The application will be granted and the complaint will be dismissed pursuant to 28 U.S.C. § 1915A (requiring dismissal of a prisoner's complaint upon a determination that the complaint, among other grounds, is frivolous, malicious or fails to state a claim upon which relief can be granted).

Plaintiff is a prisoner in Cumberland, Maryland. In this diversity action, plaintiff sues a District of Columbia attorney for acts taken as counsel for a defendant plaintiff had sued in the Superior Court of the District of Columbia. Plaintiff alleges that defendant violated "his duty owed to the plaintiff by willfully . . . bearing false witness against the plaintiff . . . defending frivolous issues in bad faith . . . unreasonably delaying litigation to prejudice the plaintiff. . . failing to disclose material facts" and committing or omitting various other acts during the litigation. Compl. at 4. Plaintiff seeks \$7.5 million.

Plaintiff's claims predicated on a duty of care that opposing counsel in his civil lawsuit owed him is simply frivolous. Because the complaint stems from alleged statements made or

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actions taken by defendant as counsel in the litigation, defendant is shielded from this lawsuit by the judicial proceedings privilege. *See Messina v. Krakower*, 439 F.3d 755, 760 (D.C. Cir. 2006) (“An attorney at law is absolutely privileged to publish defamatory matter concerning another in communications preliminary to a proposed judicial proceeding, or in the institution of, or during the course and as a part of, a judicial proceeding in which he participates as counsel, if it has some relation to the proceeding.”) (quoting Restatement (Second) Of Torts § 586 (1977) (Restatement)). The Court therefore finds that the complaint fails to state a claim upon which relief can be granted. A separate Order of dismissal accompanies this Memorandum Opinion.


United States District Judge

Date: August ²⁷26, 2009