Melvin v. Hurley Doc. 4

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA SOUTH BEND DIVISION

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)	Cause No. 3:17-CV-540 JD
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OPINION AND ORDER

Nelson Melvin, a *pro se* prisoner, is attempting to sue a St. Joseph County Superior Court Judge for money damages based on judicial rulings during his State criminal proceedings. "A document filed *pro se* is to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers." *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quotation marks and citations omitted).

Nevertheless, pursuant to 28 U.S.C. § 1915A, the court must review the merits of a prisoner complaint and dismiss it if the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief.

Here, Melvin alleges that the Judge Elizabeth C. Hurley improperly scheduled and continued his trial, which violated his right to a speedy trial. However, a judge is entitled to absolute immunity for judicial acts regarding matters within the court's jurisdiction, even if the judge's "exercise of authority is flawed by the commission of grave procedural errors." *Stump v. Sparkman*, 435 U.S. 349, 359 (1978). Melvin alleges that the judge acted improperly, but

because her actions were within the jurisdiction of a State criminal court, she has judicial

immunity.

Though it is usually necessary to permit a plaintiff the opportunity to file an amended

complaint when a case is dismissed sua sponte, see Luevano v. Wal-Mart, 722 F.3d 1014 (7th

Cir. 2013), that is unnecessary where the amendment would be futile. *Hukic v. Aurora Loan*

Servs., 588 F.3d 420, 432 (7th Cir. 2009) ("[C]ourts have broad discretion to deny leave to

amend where . . . the amendment would be futile.") Such is the case here.

For these reasons, this case is **DISMISSED** pursuant to 28 U.S.C. § 1915A because the

complaint seeks money damages against a defendant who is immune from such relief.

SO ORDERED.

ENTERED: July 14, 2017

/s/ JON E. DEGUILIO

Judge

United States District Court

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