

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

VINCENT WILSON,	)	
	)	
Plaintiff	)	
	)	
v.	)	2:23-cv-00454-NT
	)	
DAVID J. NOVAK, et al.,	)	
	)	
Defendants	)	

**RECOMMENDED DECISION AFTER REVIEW  
OF PLAINTIFF’S COMPLAINT**

Plaintiff, who is currently an inmate in a Virginia detention facility, seeks to assert several claims against two federal judges. The claims are evidently based on the judges’ decisions in civil cases Plaintiff has filed in the United States District Court for the Eastern District of Virginia. (Complaint at 1.) Plaintiff alleges the defendants’ conduct violated his equal protection and due process rights under the United States Constitution. Plaintiff, therefore, asserts his complaint pursuant to 42 U.S.C. § 1983. Plaintiff’s complaint is subject to screening “before docketing, if feasible or ... as soon as practicable after docketing,” because he is “a prisoner seek[ing] redress from a governmental entity or officer or employee of a governmental entity.” 28 U.S.C. § 1915A(a).

After a review pursuant to 28 U.S.C. § 1915A, I recommend the Court dismiss Plaintiff’s complaint.

**DISCUSSION**

Plaintiff’s complaint is subject to screening under the Prison Litigation Reform Act because Plaintiff currently is incarcerated and seeks redress from governmental entities and

officers. *See* 28 U.S.C. § 1915A(a), (c). The § 1915A screening requires courts to “identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint (1) is frivolous, malicious, or fails to state a claim ...; or (2) seeks monetary relief from a defendant who is immune from such relief.” 28 U.S.C. § 1915A(b).

Furthermore, 28 U.S.C. § 1406(a) provides, “[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” Because 42 U.S.C. § 1983 contains no venue provision, the appropriate venue is determined by reference to 28 U.S.C. § 1391(b), which states:

A civil action may be brought in—

- (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;
- (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or
- (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

*See Parker v. Barbie*, No. 14-800, 2014 WL 1820049, at \*1, 2014 U.S. Dist. Lexis 62431 (E.D. La. May 6, 2014).

A review of Plaintiff’s complaint reveals that Plaintiff has not alleged that any of the parties or the circumstances giving rise to his claim have any connection to Maine. Instead, Plaintiff’s claim is based on conduct that occurred in Virginia by individuals located in Virginia. The District of Maine is not the proper venue for the matter.

“Whether dismissal or transfer is appropriate lies within the sound discretion of the district court.” *Minnette v. Time Warner*, 997 F.2d 1023, 1026 (2d Cir. 1993); *see also Quinn v. Watson*, 145 F. App’x 799, 800 (4th Cir. 2005) (unpublished). “Judges have absolute immunity not because of their particular location within the Government but because of the special nature of their responsibilities.” *Butz v. Economou*, 438 U.S. 478, 511 (1978). The “absolute” nature of judicial immunity is reflected in the Supreme Court’s explanation that judicial immunity is “not overcome by allegations of bad faith or malice, the existence of which ordinarily cannot be resolved without engaging in discovery and eventual trial.” *Mireles v. Waco*, 502 U.S. 9, 11 (1991). Even “grave procedural errors” are not enough to support a claim against a judge. *Stump v. Sparkman*, 435 U.S. 349, 359, (1978)).

Plaintiff’s alleged claims are barred by judicial immunity. The transfer of Plaintiff’s complaint, therefore, would be futile. Dismissal is warranted.

#### **CONCLUSION**

Based on the foregoing analysis, after a review in accordance with 28 U.S.C. § 1915A I recommend the Court dismiss the matter.

#### **NOTICE**

A party may file objections to those specified portions of a magistrate judge’s report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) for which de novo review by the district

court is sought, together with a supporting memorandum, within fourteen (14) days of being served with a copy thereof.

Failure to file a timely objection shall constitute a waiver of the right to de novo review by the district court and to appeal the district court's order.

/s/ John C. Nivison  
U.S. Magistrate Judge

Dated this 18th day of December, 2023.