

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

C.H. KINSEY, et al.,
Plaintiffs,
v.
WILLIAM KEITH WATKINS, et al.,
Defendants.
CASE NO. 2:11-cv-165-MEF
(WO – Do not publish)

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C.H. KINSEY, et al.,
Plaintiffs,
v.
WILLIAM KEITH WATKINS, et al.,
Defendants.
CASE NO. 2:11-cv-314-MEF

ORDER

Proceeding pro se, Plaintiffs-Appellants C.H. Kinsey and Janie L. Kinsey filed two separate complaints against U.S. District Court Judge William Keith Watkins, Debra B. Hackett, Clerk of the U.S. District Court for the Middle District of Alabama, and the "U.S. Marshals." These complaints were consolidated for all purposes pursuant to Rule 42(a) of the Federal Rules of Civil Procedure.

On April 26, 2011, the Magistrate Judge issued an Amended Report and Recommendation (Doc. #11) to which no timely objections were made. Accordingly, and following an independent review of the record, the Court entered an Order adopting the

Magistrate Judge's Amended Report and Recommendation and dismissing the Kinseys' complaints with prejudice. (Doc. #12). The Kinseys then appealed to the United States Court of Appeals for the Eleventh Circuit. (Doc. #14).

On March 12, 2012, the Eleventh Circuit issued a per curiam opinion, affirming this Court's dismissal of the Kinseys' claims against the defendants. (Doc. #20). Specifically, the Eleventh Circuit found that Judge Watkins enjoyed "absolute immunity" from the Kinseys' claims, as they stemmed from actions he took in his judicial capacity. (Doc. #20). With respect to the remaining defendants, Debra Hackett and the "U.S. Marshals," the Eleventh Circuit held that "the Kinseys' complaints failed to allege facts sufficient to state a claim against either the Clerk of the 'U.S. Marshals.'" (Doc. #20.) Notably, the Eleventh Circuit's opinion does not award, or even address the propriety of awarding, any money damages the Kinseys. (Doc. #20.) Nor does the judgment entered by the Eleventh Circuit on May 5, 2012 (Doc. #21), which adopted the March 12, 2012 per curiam opinion as the judgment of the Court, make any such reference or award.

The Kinseys have now brought this cause before the Court on their Motion for Miscellaneous Relief (Doc. #22), which was filed on June 11, 2012. In this Motion, the Kinseys request that this Court provide them with "advice seeking of sum of money paid in whole or annuity a sum of money paid at a regular intervals after a judgment has been enter [sic] in this by the 11 Cir issue as Issuance Mandate of the 11<sup>th</sup> Cir." (Doc. #22). This appears to be a request by the Kinseys for the Court to provide them with legal advice or instruction as to how to obtain money payments – a request to which they apparently believe

they are entitled based on the Eleventh Circuit's judgment. However, as an initial matter, this Court cannot provide litigants, including the Kinseys, with legal advice or instruction. Furthermore, the Kinseys have not been awarded a judgment or any money damages in this case. Thus, even if this Court were to entertain the Kinseys' request, there is simply no "advice" for the Court to give in this regard.

Based on the foregoing, it is hereby ORDERED that the Kinseys' Motion for Miscellaneous Relief (Doc. #22) is DENIED.

DONE this the 24<sup>th</sup> day of October, 2012.

/s/ Mark E. Fuller  
UNITED STATES DISTRICT JUDGE