

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

GREGORY ANDERSON, JR.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:12-cv-03933-CLS-HGD
)	
STATE OF ALABAMA,)	
)	
Defendant.)	

MEMORANDUM OF OPINION


The magistrate judge filed a report and recommendation on October 10, 2013, recommending that this action, filed pursuant to 42 U.S.C. § 1983, be dismissed under 28 U.S.C. § 1915A(b) for seeking monetary relief from defendants who are immune from suit. The plaintiff filed objections to the report and recommendation on October 18, 2013.

The plaintiff argues that District Attorney Pamela Casey violated his constitutional rights when she continued to hold him in the Blount County Jail even after he informed her through employees of the Blount County Jail that he had already been prosecuted on those charges. Regardless of what the district attorney knew, should have known, or was told by employees of the Blount County Jail, prosecutors are absolutely immune from liability in § 1983 suits brought regarding prosecutorial

actions that are “intimately associated with the judicial phase of the criminal process,” *Imbler v. Pachtman*, 424 U.S. 409, 428 (1976), because of “concern that harassment by unfounded litigation” could both “cause a deflection of the prosecutor’s energies from his public duties” and lead him to “shade his decisions instead of exercising the independence of judgment required by his public trust.” *Id.* at 423; *see Van de Kamp v. Goldstein*, 555 U.S. 335, 357 (2009). The actions of District Attorney Pamela Casey, as alleged by the plaintiff, are prosecutorial conduct and, as such, are subject to absolute immunity.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the court is of the opinion that the magistrate judge’s report is due to be, and it hereby is, ADOPTED, and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b) for seeking monetary relief from defendants who are immune. A Final Judgment will be entered.

DONE and ORDERED this 28th day of March, 2014.



United States District Judge