

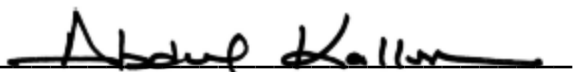
pleaded guilty only because his lawyer told him the district attorney “was going [to] give [him] life in prison” Doc. 1 at 8, 12-13. Defoe further asserts that Jones denied him his rights to a motion for discovery and to withdraw his guilty plea, and that Jones: (1) admitted in court that the state conducted no DNA analysis “on anything” and he could not prove whether Defoe had anything to do with the crime, (2) relied on a false statement Defoe made because “if [Defoe] tr[ie]d to tell them the truth they didn’t want to [hear] it,” and (3) misrepresented or lied about evidence. *Id.* at 8-14. Based on these allegations, Defoe seeks monetary damages and equitable and injunctive relief. *Id.* at 14-17.

In § 1983 actions, state prosecutors are entitled to absolute immunity from liability for their prosecutorial conduct. *Imbler v. Pachtman*, 424 U.S. 409, 430-31 (1976). A prosecutor’s absolute immunity extends to all acts associated with the judicial process, including initiating a prosecution, preparing for trial, and presenting the State’s case. *Van de Kamp v. Goldstein*, 555 U.S. 335, 343-44 (2009) (citations omitted); *Jones v. Cannon*, 174 F.3d 1271, 1281 (11th Cir. 1999). But, absolute immunity does not extend to the prosecutors’ administrative conduct, such as workplace hiring or making statements to the press. *Van de Kamp*, 555 U.S. at 343-44. “Absolute prosecutorial immunity is not defeated by a showing that the prosecutor acted wrongfully or even maliciously,” *Grant v. Hollenbach*, 870 F.2d 1135, 1138 (6th Cir. 1989), and a prosecutor’s absolute immunity applies to § 1983

claims based on the failure to turn over impeachment material, *Van de Kamp*, 555 U.S. at 345 (citing *Imbler*, 424 U.S. at 431, n.33).

The specific conduct Defoe complains of here—Jones allegedly preventing Defoe from filing a motion for discovery and withdrawing his guilty plea, misrepresenting the evidence, and relying on a false statement—involves the prosecutor’s preparation for trial and is “intimately associated with the judicial phrase of the criminal process.” *Van de Kamp*, 555 U.S. at 349 (quoting *Imbler*, 424 U.S. at 430). Likewise, Defoe’s complaints regarding his purportedly excessive sentence relate to the judicial phase of the criminal process. Consequently, Defoe’s § 1983 claims against Jones are barred by absolute prosecutorial immunity, and this case is due to be dismissed pursuant to 28 U.S.C. § 1915A(b). A separate final judgment will be entered.

DONE the 4th day of February, 2021.


ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE