

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

|                             |   |                                  |
|-----------------------------|---|----------------------------------|
| <b>RACHEL C. MARTIN,</b>    | ) |                                  |
|                             | ) |                                  |
| <b>Plaintiff,</b>           | ) |                                  |
|                             | ) |                                  |
| <b>v.</b>                   | ) | <b>CIVIL ACTION 09-0308-WS-N</b> |
|                             | ) |                                  |
| <b>JUDGE JACK W. MEIGS,</b> | ) |                                  |
|                             | ) |                                  |
| <b>Defendant.</b>           | ) |                                  |

**ORDER**

The plaintiff filed a complaint under Sections 1981 and 1983, alleging that the defendant state judge discriminated against her based on her race, color and sex, violated her Seventh Amendment right to a jury trial, and violated her Fourteenth Amendment rights to equal protection and due process. The Court granted the defendant’s motion to dismiss based on absolute judicial immunity. (Doc. 12). The plaintiff filed a motion to amend the complaint to include a claim under 18 U.S.C. § 242. (Doc. 10). The Court denied leave to amend because Section 242 is a criminal statute and does not support a civil cause of action. (Doc. 20). The plaintiff filed a motion to reconsider the Court’s ruling on motion to dismiss. (Doc. 18). The Court denied the motion and provided the plaintiff “one final opportunity to attempt to assert a viable claim against the defendant,” imposing a September 9 deadline for doing so and warning that failure to do so would result in dismissal with prejudice. (Doc. 21).<sup>1</sup>

The plaintiff has filed two documents, but neither is an amended complaint. Instead, these documents complain of the Court’s earlier rulings. (Docs. 22-23). Because

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<sup>1</sup>Because the plaintiff is proceeding without counsel, the Court “could not dismiss a complaint with prejudice without first giving the plaintiff an opportunity to amend the complaint if a more carefully drafted complaint might state a claim.” *Van Taylor v. McSwain*, 2009 WL 1636809 at \*1 (11<sup>th</sup> Cir. 2009).

the plaintiff has stated no viable claim against the defendant, and because she has declined the opportunity to amend her complaint, this action is **dismissed with prejudice**.

DONE and ORDERED on this 14<sup>th</sup> day of September, 2009.

s/WILLIAM H. STEELE  
UNITED STATES DISTRICT JUDGE