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NOT FOR PUBLICATION

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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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9 Garland E Williams,

No. CV-18-00007-PHX-JJT

10 Plaintiff,

ORDER

11 v.

12 United States of America, *et al.*,

13 Defendants.

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15 At issue is *pro se* Plaintiff Garland E Williams's Application to Proceed in District
16 Court Without Prepaying Fees or Costs (Doc. 2). Having determined that Plaintiff is
17 unable to pay the Court's fees, the Court would grant the Application. However, as set
18 forth below, upon screening Plaintiff's Complaint (Doc. 1, Compl.) pursuant to 28 U.S.C.
19 § 1915(e)(2), the Court finds that the Plaintiff fails to state a claim. Thus, the Court
20 dismisses the Complaint.

21 **I. LEGAL STANDARD**22 **A. 28 U.S.C. § 1915(e)(2)**

23 For cases in which a party is permitted to proceed *in forma pauperis*—that is, the
24 party lacks the means to pay court fees—Congress provided that a district court “shall
25 dismiss the case at any time if the court determines” that the “allegation of poverty is
26 untrue” or that the “action or appeal” is “frivolous or malicious,” “fails to state a claim on
27 which relief may be granted,” or “seeks monetary relief against a defendant who is immune
28 from such relief.” 28 U.S.C. § 1915(e)(2). Section 1915(e) applies to all *in forma pauperis*

1 proceedings. *Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000). “It is also clear that
2 section 1915(e) not only permits but requires a district court to dismiss an *in forma*
3 *pauperis* complaint that fails to state a claim.” *Id.* at 1127. “The standard for determining
4 whether a plaintiff has failed to state a claim upon which relief can be granted under
5 § 1915(e)(2)(B)(ii) is the same as the Federal Rule of Civil Procedure 12(b)(6) standard for
6 failure to state a claim.” *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012).

7 **B. Sufficiency of a Claim**

8 A complaint must include “a short and plain statement of the claim showing that the
9 pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). The complaint must contain “sufficient
10 factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’”
11 *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S.
12 544, 570 (2007)). A dismissal under Rule 12(b)(6) for failure to state a claim can be based
13 on either (1) the lack of a cognizable legal theory or (2) insufficient facts to support a
14 cognizable legal claim. *Balistreri v. Pacifica Police Dep’t*, 901 F.2d 696, 699 (9th Cir.
15 1990). The Court is to construe a *pro se* plaintiff’s complaint “liberally” and afford the
16 plaintiff “the benefit of any doubt.” *Watison*, 668 F.3d at 1112 (citation omitted).

17 **II. ANALYSIS**

18 In the Complaint, Plaintiff alleges that the Honorable Ivan L. R.. Lemelle, Senior
19 District Court Judge in the Eastern District of Louisiana, deprived Plaintiff’s right to
20 procedural due process by “neglect[ing] . . . plaintiff’s submitted motions.” (Compl. at 5.)
21 Plaintiff also names the Clerk of Court for the Eastern District of Louisiana as a
22 Defendant. Although largely unintelligible, the acts alleged in Plaintiff’s Complaint
23 appear to stem from a case litigated before Judge Lamelle, *Williams v. Department of*
24 *Children & Family Services*, No. 16-cv-15866 (E.D. La.).

25 Judges enjoy absolute immunity from suits for damages brought based on a
26 “judicial act,” such as those acts “involved in resolving disputes between parties.”
27 *Forrester v. White*, 484 U.S. 219, 225–27 (1988). In addition to “protecting the finality of
28 judgments” and “discouraging inappropriate collateral attacks,” judicial immunity

1 “protect[s] judicial independence by insulating judges from vexatious action prosecuted
2 by disgruntled litigants.” *Id.* at 225 (citing *Bradley v. Fished*, 80 U.S. (13 Wall.) 335, 348
3 (1871)). Thus, this immunity extends even to court clerks, who “have absolute quasi-
4 judicial immunity from damages for civil rights violations when they perform tasks that
5 are an integral part of the judicial process.” *Mullis v. U.S. Bankr. Court for the Dist. of*
6 *Nev.*, 828 F.2d 1385, 1390 (9th Cir. 1987).

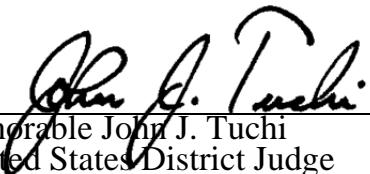
7 Plaintiff’s Complaint challenges the rulings in Plaintiff’s prior case in the Eastern
8 District of Louisiana, which are “paradigmatic judicial acts.” *See Forrester*, 484 U.S. at
9 227. Thus, absolute judicial immunity bars any claim for damages against either
10 Defendant. *Id.* Although Plaintiff may be unhappy with the outcome of those
11 proceedings, this Court is not a proper venue to challenge the correctness of those rulings.
12 Because Defendants enjoy absolutely immunity, Plaintiff’s Complaint cannot be cured.
13 Therefore, the Court will dismiss the Complaint with prejudice.

14 IT IS THEREFORE ORDERED dismissing Plaintiff’s Complaint (Doc. 1) with
15 prejudice.

16 IT IS FURTHER ORDERED denying as moot Plaintiff’s Application to Proceed
17 in District Court Without Prepaying Fees or Costs (Doc. 2) and Plaintiff’s Motion to
18 Allow Electronic Filing (Doc. 4).

19 IT IS FURTHER ORDERED directing the Clerk of the Court to close this case.

20 Dated this 13th day of February, 2018.

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23 Honorable John J. Tuchi
24 United States District Judge
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