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6	IN THE UNITED STATE:	S DISTRICT COURT FOR THE	
7	EASTERN DISTRICT OF CALIFORNIA		
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9	ALPHEOUS E. GORDON,	No. CV-F-09-228 OWW	
10		MEMORANDUM DECISION AND	
11	Plaintiff,	ORDER DISMISSING PLAINTIFF'S COMPLAINT AS FRIVOLOUS AND	
12	VS.	DIRECTING CLERK OF COURT TO ENTER JUDGMENT FOR DEFENDANTS	
13	P.S.I. OFFICERS OF DISTRICT		
14	COURT OF CAL. JACK C. ROBERSON AND JAMES E.		
15	HERBERT,		
16	Defendants.		
17			
18	On January 13, 2009, Alpheous E. Gordon, proceeding in pro		
19	per, filed a Complaint against Defendants Jack C. Roberson and		
20	James E. Herbert, United States Probation Officers, for alleged		
21 22	false statements in Gordon's Presentence Investigation Report		
22	submitted in connection with Gordon's sentencing on October 15,		
23 24	2007 in United States v. Gordon, No. CR-F-07-029 OWW, United		
27	States District Court for the I	Eastern District of California.	

25 The Complaint seeks ten million dollars in damages.

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2 issuance and service of process upon the Defendants as f 3 under 28 U.S.C. § 1915(d). A frivolous claim is one whi 4 an arguable basis in either law or fact. Federal probat	ich lacks tion on report ty for	
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4 an arguable basis in either law or fact. Federal probat	on report ty for	
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5 officers allegedly making false statements in a probation	_	
6 are entitled to absolute judicial immunity from liability		
damages under 42 U.S.C. § 1983. Dorman v. Higgins, 821 F.2d 133,		
136-139 (2 nd Cir.1987).		
For the reasons stated:		
1. Plaintiff's Complaint is DISMISSED as frivolous;		
11 2. The Clerk of the Court is directed to enter JUD	GMENT FOR	
DEFENDANTS.		
13 IT IS SO ORDERED.		
14 Dated: February 10, 2009 /s/ Oliver W. Wanger UNITED STATES DISTRICT JUDGE		
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