

United States District Court

For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LE ROI JOHNSON,

Plaintiff,

v.

CONTRA COSTA COUNTY,

Defendant.

No. C-07-0195 MMC

**ORDER DISMISSING CLAIMS
ASSERTED AGAINST THE
HONORABLE PETER BERGER**

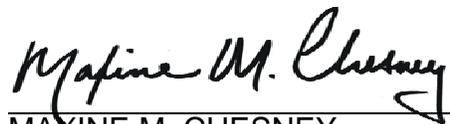
Before the Court is the complaint filed January 10, 2007 by plaintiff Le Roi Johnson ("Johnson"), in which Johnson asserts, *inter alia*, civil rights claims against the Honorable Peter Berger arising out of Judge Berger's imposition of a \$200 fine against plaintiff.

Where, as here, a case is brought in forma pauperis, the Court "shall dismiss the case . . . if the court determines that . . . the action . . . seeks monetary relief against a defendant who is immune from such relief." See 28 U.S.C. § 1915(e)(2)(B)(iii). A state judge is absolutely immune from civil liability for damages resulting from acts performed in his judicial capacity. See Pierson v. Ray, 386 U.S. 547, 553-55 (1967).

Accordingly, the claims asserted against Judge Berger are hereby DISMISSED.

IT IS SO ORDERED.

Dated: January 22, 2007



MAXINE M. CHESNEY
United States District Judge