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E-Filed 5/18/2011

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION

WYLMINA E. HETTINGA, et al.,

Plaintiffs,

v.

TIMOTHY P. LOUMENA, et al.,

Defendants.

Case Number 5:10-cv-02975 JF/PSG

ORDER¹ DENYING APPLICATION TO PROCEED *IN FORMA PAUPERIS*

[RE: Doc. No. 12]

Plaintiff Wylmina Hettinga, on behalf of herself and her minor children, filed this action challenging various state court rulings and alleging a conspiracy to deprive her of her right to privacy pursuant to 18 U.S.C. § 2511 and of her property without due process of law in violation of the Fifth Amendment to the United States Constitution. Plaintiff subsequently moved for leave to proceed *in forma pauperis*.

Pursuant to 28 U.S.C. § 1915, a district court may authorize the commencement of a civil action *in forma pauperis* if it is satisfied that the would-be plaintiff cannot pay the filing fees necessary to pursue the action. 28 U.S.C. § 1915(a)(1). The court may deny *in forma pauperis* status, however, if it appears from the face of the proposed complaint that the action is frivolous or without merit. *O'Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990); *Tripati v. First National Bank & Trust*, 821 F.2d 1368, 1370 (9th Cir. 1987).

¹ This disposition is not designated for publication and may not be cited.

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In its present form, the complaint appears to be without merit in that it fails to set forth a cognizable claim. To the extent that Plaintiff seeks to overturn a state court judgment, the Court is without jurisdiction to hear the action. Federal district courts do not have jurisdiction to review the final determinations of state court judicial proceedings. See Doe & Assocs. Law Offices v. Napolitano, 252 F.3d 1026, 1029 (9th Cir. 2001). To the extent that Plaintiff alleges a violation of her constitutional rights by officials acting under color of state law, her complaint includes only bare allegations that are insufficient to state a claim upon which relief may be granted. In addition, "judges of courts of superior or general jurisdiction are not liable to civil actions for their judicial acts, even when such acts are in excess of their jurisdiction, and are alleged to have been done maliciously or corruptly." Stump v. Sparkman, 435 U.S. 349 (1978). Plaintiff has not shown how this action can proceed as to the defendant judicial officers in light of this judicial immunity. Accordingly, Plaintiff's request to proceed in forma pauperis will be denied without prejudice. If Plaintiff does not pay the filing fee within thirty (30) days of this order, the Court will dismiss the action without prejudice.

ORDER

Good cause therefor appearing, it is hereby ordered that the motion to proceed in forma pauperis is denied without prejudice.

IT IS SO ORDERED.

DATED: May 17, 2011

JEREMY FOGEL

United States District Judge

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7	IN THE UNITED STATES DISTRICT COURT	
8	FOR THE NORTHERN DISTRICT OF CALIFORNIA	
9	SAN JOSE DIVISION	
10	SAN JOSE DIVI	ISION
11	WYLMINA E. HETTINGA, et al.,	Case Number 5:10-cv-02975 JF/PSG
12	Plaintiff,	Case 1 (amoet 3.10 eV 02) / 3 01/15 G
13	v.	CERTIFICATE OF SERVICE
14	TIMOTHY P. LOUMENA, et al.,	
15	Defendants.	
16		
17		•
18	I, the undersigned, hereby certify that I am an employee of the Office of the Clerk,	
19	United States District Court, Northern District of California.	
20	On May 18, 2011, I served a true and correct copy of the attached document to each of the persons hereinafter listed by placing said copy in a postage paid envelope and depositing said	
21	envelope in the United States mail, or by placing said envelope in the outgoing mail delivery receptacle located in the Clerk's Office:	
22	Wylmina E Hettinga	
23	844 Downswood Court San Jose, CA 95120	
24		
25	l	or the Court ichard W. Weiking, Clerk
26	_	y:/s/
27	D	iana Munz ourtroom Deputy Clerk
28		
	_	