UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

NANCY MAYER WHITTINGTON, CLERK U.S. DISTRICT COURT

5 2009

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GREGORY T. HOWARD,	:
Plaintiff,	:
v .	:
UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT	:
OF OHIO, et al.,	:
Defendants.	

Civil Action No.

89 1891

MEMORANDUM OPINION

This matter is before the Court on consideration of plaintiff's application to proceed *in forma pauperis* and *pro se* complaint. The Court will grant the application, and will dismiss the complaint with prejudice.

Plaintiff purports to bring this action under the Federal Tort Claims Act ("FTCA"), *see* 28 U.S.C. § 2671 *et seq.*, against the United States District Court for the Southern District of Ohio, the United States Attorney for the Southern District of Ohio, the United States Attorney General, the Administrative Office of the United States Courts, and the United States Department of the Treasury. Generally, he objects to the decisions of The Hon. Algenon L. Marbley, United States District Judge for the Southern District of Ohio, in a civil action filed in that district. *See* Compl. ¶¶ 4-5. Because of Judge Marbley's alleged inappropriate conduct, plaintiff demands damages totalling \$27,519,203.43. *See id.* ¶¶ 5-6.

Notwithstanding plaintiff's reliance on the FTCA as a basis for this Court's jurisdiction, it is clear that plaintiff demands damages in connection with Judge Marbley's unfavorable decisions in cases filed by plaintiff in the Southern District of Ohio. A federal judge is absolutely immune from a lawsuit arising from actions taken in his judicial capacity. Forrester v. White, 484 U.S. 219, 225 (1988); Stump v. Sparkman, 435 U.S. 349, 355-57 (1978); Sindram v. Suda, 986 F.2d 1459, 1460 (D.C. Cir. 1993). Accordingly, the Court dismisses the complaint with prejudice because it seeks monetary damages against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B)(iii); see Howard v. United States District Court for the Southern District of Ohio, No. 09-0531 (CKK), 2009 WL 837642 (D.D.C. Mar. 30, 2009) (dismissing sua sponte under 28 U.S.C. § 1915(e)(2)(B)(iii) a complaint "seek[ing] damages in connection with various rulings made by Judge Algenon L. Marbley in a case involving Plaintiff in the Federal District Court of the Southern District of Ohio" on the ground that "[j]udges are absolutely immune from lawsuits predicated on acts taken, as alleged here, in their judicial capacities"), aff'd, No. 09-5139, 2009 WL 2981979 (D.C. Cir. July 10, 2009).

An Order consistent with this Memorandum is issued separately on this same date.

Eller & Herch United States District Judge

Date:

9/24/09