

defense counsel, and a creditor, David Brooks, who previously had obtained a judgment against the Rosebars in the Superior Court of the District of Columbia.¹ Plaintiffs demanded monetary damages totaling \$50,400,000.

Plaintiffs' claims against Judge Hogan arise from actions taken in his judicial capacity. For example, plaintiffs challenge Judge Hogan's decision not to dismiss the indictment, *see* Compl. at 7, to appoint defense counsel not of the Rosebars' choosing, *id.* at 10, and to deny their request to allow Milton Joseph Taylor to represent them, *id.* at 11, 15, 23-24. Absolute judicial immunity protects Judge Hogan from suit. *See Mirales v. Waco*, 502 U.S. 9 (1991); *see also Forrester v. White*, 484 U.S. 219, 226-27 (1988).

The Rosebars' claims against the remaining defendants were premature. In essence, the Rosebars challenged practically every aspect of a criminal case which had not concluded when they filed their civil complaint. Mr. Rosebar has been convicted and has appealed his conviction and sentence to the United States Court of Appeals for the District of Columbia Circuit. Mrs. Rosebar has entered into a plea agreement. If there had been a constitutional violation in connection with the criminal proceedings, the matter is best left for the District of Columbia Circuit to decide. Furthermore, unless and until the Rosebars' convictions or sentences are invalidated, they are not entitled to monetary damages. *See Abella v. Rubino*, 63 F.3d 1063,

¹ The Court dismisses Milton Joseph Taylor as a party to this action. Notwithstanding Mr. Taylor's claim to be "a leading Head Counsel of Record," Compl. at 3, he is not an attorney. As Mr. Taylor is well aware, *see McCleod v. U.S. Parole Comm'n*, 74 F. Supp. 3d 154, 155 n.1 (D.D.C. 2014); *Saunders v. United States*, 72 F. Supp. 3d 105, 107 n.1 (D.D.C. 2014); *Leach v. U.S. Parole Comm'n*, 522 F. Supp. 2d 250, 251 n.1 (D.D.C. 2007), he cannot represent the interests of the Rosebars or any other party in this or in any other court proceeding. Furthermore, because Mr. Taylor cannot show that any of the alleged trial court errors have affected him personally, he lacks standing to bring any claim pertaining to the criminal case against the Rosebars. *See Jones v. Yanta*, 610 F. Supp. 2d 34, 41 (D.D.C. 2009) (finding that wife, mother-in-law, and son of criminal defendant lacked standing to bring *Bivens* claims related to the defendant's trial).

1065 (11th Cir. 1995) (citing *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994)); *Zolicoffer v. FBI*, 884 F. Supp. 173, 176 (M.D. Pa. 1995) (“Just as a claim of an improper conviction asserted against a state official is not cognizable under § 1983 absent invalidation of the conviction via the proper avenues of redress, so such a claim asserted against persons acting under federal law is not cognizable under *Bivens*, regardless of the statutory or constitutional provisions cited.”).

The Court dismisses Judge Hogan as a party to this action and all claims against him, and dismisses the complaint and this civil action without prejudice. An Order consistent with this Memorandum Opinion is issued separately.

DATE: November 30th, 2017



United States District Judge