

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JESSIE LOZANO,

Plaintiff,

v.

Case No: 2:22-cv-435-JES-NPM

DONALD MASON,

Defendant.

OPINION AND ORDER

Before the Court is Plaintiff Jessie Lozano's Complaint (Doc. #1). Lozano is a pretrial detainee in the Charlotte County Jail, and he seeks damages from the state judge presiding over his state criminal case. The Court must review the Complaint to determine if it is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. See 28 U.S.C. § 1915A(a).

Lozano claims Florida Circuit Judge Donald H. Mason has mishandled his state criminal case and seeks damages of \$300,000 per year for 25 years. Judge Mason is immune from this action. "A judge enjoys absolute immunity from suit for judicial acts performed within the jurisdiction of his court." McCullough v. Finley, 907 F.3d 1324, 1330 (11th Cir. 2018). What is more, principles of equity, comity, and federalism require the Court to abstain from interfering in state criminal proceedings. See

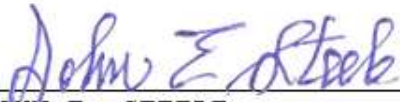
Younger v. Harris, 401 U.S. 37, 45 (1971). This action runs afoul Younger because it implicitly challenges the validity of Lozano's ongoing state criminal case.

Accordingly, it is hereby

ORDERED:

Plaintiff Jessie Lozano's Complaint (Doc. #1) is **DISMISSED**. The Clerk is **DIRECTED** to enter terminate all pending motions and deadlines, enter judgment against Plaintiff and for Defendant, and close this case.

DONE and ORDERED at Fort Myers, Florida, this 26th day of July 2022.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

SA: FTMP-1

Copies:
Counsel of Record