

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

REUBEN D. LEHMANN,

Plaintiff,

v.

KEVIN HARRIS, *et. al.*,

Defendants.

Case No. 1:15-cv-00386-BLW

**ORDER**

The Court has before it Defendant Municipal Court Judge Margie Mahony's Motion to Dismiss (Dkt. 5). Judge Mahony asks the Court to dismiss the case against her, and Plaintiff has not responded to the motion. The deadline for that response has long passed.

Plaintiff's Complaint is difficult to understand, but it appears to stem from a traffic citation he received in Oregon. Plaintiff challenged the citation in court, and Judge Mahony found him guilty. Plaintiff filed his Complaint against several individuals, including Judge Mahony. He asserts mostly unintelligible claims. Judge Mahony asks the Court to dismiss the claims against her on several grounds, including Eleventh Amendment immunity. Judge Mahony is a judicial officer of the State of Oregon. As such, Plaintiff is barred from bringing suit against her because the Eleventh Amendment bars claims brought in federal court for damages against state officials in their official capacity. *Flint v. Dennison*, 488 F.3d 816, 824–25 (9th Cir.2007). By all accounts, and as far as the Court can tell from the Complaint, that is precisely what Plaintiff is trying to do

here – bring a claim for damages against Judge Mahony in her official capacity. And Plaintiff has provided the Court with no evidence that Judge Mahony has waived her immunity. Accordingly, the Court will grant the motion to dismiss.

The Court will also deny what are wholly unintelligible motions by Plaintiff – Expedited Request for Writ of Habeas Corpus (Dkt. 4), Motion for Indigency (Dkt. 15), and Motion to Expedite Writ of Habeas Corpus (Dkt. 16).

### **ORDER**

#### **IT IS HEREBY ORDERED:**

1. Defendant Municipal Court Judge Margie Mahony’s Motion to Dismiss (Dkt. 5) is **GRANTED**.
2. Expedited Request for Writ of Habeas Corpus (Dkt. 4) is **DENIED**.
3. Motion for Indigency (Dkt. 15) is **DENIED**.
4. Motion to Expedite Writ of Habeas Corpus (Dkt. 16) is **DENIED**.



DATED: August 30, 2016

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill  
Chief Judge  
United States District Court