

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

HERVIN S. TALLEY,)	
)	
Plaintiff,)	
)	
vs.)	CAUSE NO. 2:15-CV-438
)	
JAMES MICHAEL WOODS,)	
)	
Defendant.)	

OPINION AND ORDER

This matter is before the Court on a complaint filed by Hervin S. Talley, a *pro se* prisoner, on November 24, 2015. For the reasons set forth below, this case is **DISMISSED** pursuant to 28 U.S.C. § 1915A.

DISCUSSION

"A document filed *pro se* is to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers." *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quotation marks and citations omitted). Nevertheless, pursuant to 28 U.S.C. § 1915A, the court must review the merits of a prisoner complaint.

Talley alleges that Deputy Prosecutor James Michael Woods ignored the facts of his case and the testimony presented during his State criminal trial. However, "in initiating a prosecution and in presenting the State's case, the prosecutor is immune from a civil suit for damages under § 1983." *Imbler v. Pachtman*, 424 U.S.

409, 431 (1976). "[A]bsolute immunity shields prosecutors even if they act maliciously, unreasonably, without probable cause, or even on the basis of false testimony or evidence." *Smith v. Power*, 346 F.3d 740, 742 (7th Cir. 2003) (quotation marks and citation omitted). Therefore the Defendant is immune from suit.

CONCLUSION

For the reasons set forth above, this case is **DISMISSED** pursuant to 28 U.S.C. § 1915A.

DATED: December 8, 2015

/s/RUDY LOZANO, Judge
United State District Court