

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT LOUISVILLE

CIVIL ACTION NO. 3:09CV-512-H

JOHN YUEN

PLAINTIFF

V.

BILL SCHRECK, DIRECTOR OF IPL, et al.

DEFENDANTS

**MEMORANDUM OPINION AND ORDER**

Defendant, Beverly Wheatley, has moved to dismiss based upon a failure of Plaintiff to abide by the Court's order, lack of subject matter jurisdiction, and the failure to state a claim upon which relief may be granted.

Plaintiff, John Yuen, has brought a claim in federal court against various public officials, judges and prosecutors. He now seeks damages against all of these persons arising out of several cases in Jefferson District Court in which Plaintiff was found guilty for violating Chapter 156 of the Louisville/Jefferson County Building and Housing Code and was assessed a fine of \$3,650. After that verdict, Plaintiff filed a notice of appeal to Jefferson Circuit Court, where that appeal was dismissed based upon a failure to perfect the appeal. Subsequently, Plaintiff filed a motion to vacate which was denied. Thereafter, Plaintiff filed a notice of appeal for discretionary review to the Kentucky Court of Appeals. That appeal was denied.

The well-briefed motion on behalf of Defendant, Beverly Wheatley, suggests that the claim against her and all of the other Defendants has no chance of success. As to Defendant Wheatley, the complaint appears to assert no actual causes of action against Wheatley upon

which Plaintiff may proceed. As a more general matter, Plaintiff appears to seek an attack upon the proceedings in Jefferson District Court which rendered a judgment against him. However, Plaintiff's appeals have been dismissed or denied and that matter is now fully resolved. Under the well known Full Faith and Credit Doctrine, it is improper to challenge the result of those state proceedings in federal court.

After the original filing of this complaint, this Court, on July 21, 2009, ordered Plaintiff to file a more particular statement of the claims against all the Defendants. The purpose of this order was to require Plaintiff to be more specific about the basis for legal allegations that appeared improbable. For instance, in all but the most unusual instances, judges and prosecutors have immunity from civil lawsuits arising out of their official activities. Many months have now passed and Plaintiff has failed to comply with that Court order. The apparent absence of any basis for Plaintiff's claims and his failure to comply with the Court's request for a more particularize statement of the complaint, now convinces the Court that this matter should be dismissed.

Being otherwise sufficiently advised,

**IT IS HEREBY ORDERED** that Plaintiff's complaint is **DISMISSED WITH PREJUDICE** as to all Defendants.

This is a final and appealable order.

cc: John Yuen, Pro Se  
Defendants  
Counsel of Record