

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARELIIOUS RAY REED,

Plaintiff,

vs.

Case No. 13-CV-11107
HON. GEORGE CARAM STEEH

CITY OF WYANDOTTE, et al.

Defendants.

ORDER GRANTING PLAINTIFF'S APPLICATION TO PROCEED
IN FORMA PAUPERIS (DOC # 2) AND DISMISSING ACTION

On March 12, 2013, Arelious Ray Reed filed a complaint and his application to proceed *in forma pauperis*. The caption of that complaint lists Reed as plaintiff, and the City of Wyandotte and “Magis. Judge Elizabeth Lea DiSanto” as defendants. In the semi-incomprehensible allegations, Reed states that he was before Judge DiSanto in September 2012, who “found [him] guilty on both charges.” That adjudication allegedly left Reed with points on his driver’s license and a suspended driver’s license. Reed further alleges that, as a result, he lost a week of work, had to pay fines, and was forced to live on the street for a period of time. He asks for \$25,000,000 for “pain and suffering, lost wages and monetary damages.”

Because the court is persuaded that Reed is unable to pay the fees associated with the filing of his complaint, his application to proceed without the prepayment of fees is hereby **GRANTED**. 28 U.S.C. § 1915(a)(1). However, the complaint is dismissed under § 1915(e)(2)(B)(I)-(iii), which permits this court to dismiss plaintiff’s claims if it determines

those claims are frivolous, fail to state a claim on which relief could be granted, or seek monetary relief against a defendant who is immune from such relief, for the following reasons.

Reed does not address the court's subject matter jurisdiction in his complaint, but on the accompanying civil cover sheet indicates the court has federal question jurisdiction. However, the complaint itself (alleging as his "cause (sic) of action: negligence (sic), acted as an individual with criminal intent, judicial misconduct, bias and violating the Michigan code of judicial conduct") is based entirely on state law, and does not demonstrate any diversity in citizenship between the parties. Furthermore, Reed has attached a civil judgment entered in state district court (the 24th Judicial District in Allen Park, MI), case # 13-132-GZ, captioned Reed. v. City of Wyandotte, in which summary disposition was granted to defendant. Although there are no pleadings attached to that judgment, and no indication of whether Reed took an appeal from it, Reed indicates the case is a "pending or previously discontinued or dismissed companion case" to the instant matter, which may, accordingly, be barred under principles of *res judicata*. Finally, his allegations all appear to stem from actions taken by a judicial officer in the course of judicial proceedings, so it is likely that immunity also applies.

Accordingly, this matter is **DISMISSED**.

IT IS SO ORDERED.

Dated: March 26, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 26, 2013, by electronic and/or ordinary mail and also on Arelious Ray Reed, 30428 Milford Road, Apartment #150, New Hudson, MI 48165.

s/Barbara Radke
Deputy Clerk