

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY JACKSON-EL,
Plaintiff,

No. 1:11-cv-53

-v-

HONORABLE PAUL L. MALONEY

JOSEPH G. SCOVILLE,
Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING ACTION**

Plaintiff Jackson filed suit against Magistrate Judge Joseph Scoville, claiming his Due Process rights when Magistrate Judge Scoville issued a report and recommendation in another case involving Plaintiff. Magistrate Judge Ellen Carmody reviewed the complaint pursuant to 28 U.S.C. § 1519(e)(2), and issued a report recommending the complaint be dismissed. (ECF No. 5.) Plaintiff filed an objection (ECF No. 6) and an amended complaint (ECF No. 7.)

Having reviewed the record, the report is **ADOPTED**, over objections, as the opinion of this court. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Magistrate Judge Scoville enjoys absolute judicial immunity for actions taken in his capacity as a judge. Without concluding that Plaintiff was entitled to file an amended complaint, the court finds that the amended complaint fails to overcome this same hurdle. The amended complaint does not state a claim upon which relief may be granted.

Accordingly, the complaint is **DISMISSED**. The court finds any appeal would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 445 (1962).

IT IS SO ORDERED.

Date: February 28, 2011

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge