

Co., 691 F.2d 653, 656 (3d Cir. 1983). Defaults are disfavored, and doubtful cases must be resolved in favor of the party moving to set aside the default. Gross v. Stereo Component Sys., Inc., 700 F.2d 120, 122 (3d Cir. 1983) (citing Farnese v. Bagnasco, 691 F2d 761, 764 (3d Cir 1982)).

The Court finds that Plaintiff would not be prejudiced by having this matter heard on its merits, and that Defendant Coleman has satisfied the other Feliciano criteria. Accordingly, the Court will set aside the default against Defendant Coleman, and deny Plaintiff's Motion for Default Judgment as moot.

II.

Defendant Coleman further moves this Court to dismiss the Complaint as against him, and argues, *inter alia*, that he is entitled to absolute immunity from suit for his actions as a New Jersey Superior Court judge . It is well settled that a member of the judiciary is absolutely immune from suit for acts undertaken in his or her official capacity, Briscoe v. LaHue, 460 U.S. 325, 334 (1983), including suits under 42 U.S.C. § 1983. Sup. Ct. of Va. v. Consumers Union of the U.S., Inc., 446 U.S. 719, 734-35 (1980). In the instant matter, Plaintiff alleges that Defendant Coleman had conversations with another defendant, Laurie Head-Melillo, a Deputy Assistant Prosecutor for Somerset County (who herself was dismissed from this action), and that he signed waivers, all allegedly in derogation of Plaintiff's rights. (Compl. ¶¶ 20-22.) Plaintiff does not allege that Defendant Coleman's actions were unrelated to his official duties. Even construing these acts in the light most favorable to Plaintiff, it is plain that these were judicial acts and, as such, are included in the grant of absolute immunity from suit. Accordingly, the complaint against Defendant Coleman must be dismissed.

CONCLUSION

For the foregoing reasons, and for good cause shown,

IT IS on this 17th day of March, 2006,

ORDERED that Defendant Edward Coleman's Motion to Set Aside Default [14] is GRANTED; and it is further

ORDERED that Plaintiff's Motion for Default Judgment [10] is DENIED as moot; and it is further

ORDERED that Defendant Edward Coleman's Motion to Dismiss Plaintiff's Complaint [14] is GRANTED.

/s/ Anne E. Thompson
ANNE E. THOMPSON, U.S.D.J.