

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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XIU JIAN SUN,

Plaintiff,

-against-

MARK C. DILLON, SHERI S. ROMAN,
SYLVIA O. HINDS-RADIX, COLLEEN DUFFY,

Defendants.

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LASHANN DeARCY HALL, United States District Judge.

NOT FOR PUBLICATION

MEMORANDUM
AND ORDER

16-CV-5276 (LDH) (LB)

On September 22, 2016, Plaintiff Xiu Jian Sun, identifying as “the spiritual Adam,” filed this *pro se* action against four state appellate court judges also identified by Plaintiff as “Pharisees.” Plaintiff paid the statutory filing fee to commence this action. For the reasons set forth below, the action is dismissed.

BACKGROUND

Plaintiff does not provide any facts against any of the Defendants named herein. Rather, Plaintiff makes the following statements:

Jehovah the Lord of the host sent the messenger through angel spoke in servant’s heart: ‘snake, belly home’s walking.’

Jehovah – the Lord god of host gives the words to servant (Plaintiff) in the temple he made, “Trial with god’s law. Apply for jury to prevent insult and unfair behavior.”

(Compl., ECF Doc. No. 1 at pp. 2-3.) Plaintiff does not state the relief he seeks but requests a Mandarin Chinese court interpreter. (*Id.* at p. 3.) Attached to the complaint are letters and documents informing Plaintiff that his state court case was calendared for oral argument before

also *Scanlon v. Vermont*, 423 F. App'x 78, 79 (2d Cir. 2011) (summary order) (citing *Neitzke v. Williams*, 490 U.S. 319, 327 (1989)).

DISCUSSION

In light of the rudimentary nature of Plaintiff's pleadings, the Court would ordinarily afford Plaintiff an opportunity to amend the complaint to provide a statement of claim that would comply with Rule 8 of the Federal Rules of Civil Procedure. However, the Court declines to afford plaintiff such an opportunity given that this is Plaintiff's third action and because nothing in the complaint gives any indication that Plaintiff has a valid claim against any of the Defendants named. It is unclear what harm Plaintiff allegedly suffered, what acts of Defendants allegedly caused that harm and what federal rights were allegedly infringed. To the extent Plaintiff complains that any of the Defendants violated some religious tenet, such a claim is not enforceable in federal court. Moreover, to the extent Plaintiff sues these state court judges for actions taken in their judicial capacity, those claims are dismissed as these judges would be entitled to absolute immunity. *Mireles v. Waco*, 502 U.S. 9, 11 (1991) (*per curiam*) ("judicial immunity is an immunity from suit, not just from the ultimate assessment of damages.") (citation omitted); *Stump v. Sparkman*, 435 U.S. 349, 356 (1978); *Bliven v. Hunt*, 579 F.3d 204, 209 (2d Cir. 2009).

Therefore, the complaint is dismissed as frivolous, *see Montero v. Travis*, 171 F.3d 757, 761-62 (2d Cir. 1999) (*per curiam*) and because the judicial officers named herein would be entitled to absolute immunity for any actions related to their judicial duties. *Tapp v. Champagne*, 164 F. App'x 106 (2d Cir. 2006) (summary order) (affirming *sua sponte* dismissal of claims against judges protected by absolute immunity).