

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:07CV250-03-MU

BILLY JW ROSS JR.,)
)
 Petitioner,)
)
 v.)
)
 ELIZABETH LARI, JUDGE FORREST D.)
 BRIDGES,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER comes before the Court on initial review of Plaintiff’s Complaint under 42 U.S.C. § 1983, filed July 18, 2007. (Document No. 1.)

Plaintiff’s Complaint alleges that the he was found not guilty during a jury trial and that despite the jury’s finding of not guilty District Attorney Elizabeth Lari convinced Judge Forrest Bridges to confine Plaintiff in the Cleveland County Jail for thirty days. Plaintiff requests punitive damages against defendants because he was improperly confined.

A case filed under 42 U.S.C. § 1983 requires a deprivation of a right secured by the Constitution by a person acting under color of state law. Plaintiff named Assistant District Attorney Elizabeth Lari and Judge Forrest D. Bridges as defendants to this action. As an initial matter, both Ms. Lari and Judge Bridges would be immune from suit. A prosecutor is a quasi judicial officer who enjoys absolute immunity when performing prosecutorial functions, Imbler v. Pachtman, 424 U.S. 409 (1976), and likewise Judges are also immune from liability for judicial acts. Stump v. Sparkman, 435 U.S. 349 (1978). Therefore, the named defendants enjoy judicial immunity.

Next, Plaintiff alleges that he was found not guilty on October 20, 2003 and that he was

confined to thirty days imprisonment. A three-year personal injury statute of limitations applies to § 1983 claims. Petitioner's claim arose on October 20, 2003. Based on the three-year statute of limitations which applies to this case, Petitioner's claim filed in this Court on July 18, 2007, is time-barred.

NOW, THEREFORE, IT IS HEREBY ORDERED that:

- 1) Plaintiff's Complaint is Dismissed for failure to state a claim for relief and because is time barred; and
- 2) Plaintiff's motion captioned "Motion for Appropriate Relief" is denied.

SO ORDERED.

Signed: July 25, 2007

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

