

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

KEVIN PAYNE,)	Case No.: 1:17 CV 1464
)	
Plaintiff)	
)	JUDGE SOLOMON OLIVER, JR.
v.)	
)	
CASSANDRA COLLIER-WILLIAMS,)	MEMORANDUM OF OPINION
)	<u>AND ORDER</u>
Defendant)	

Pro Se Plaintiff Kevin Payne, a state prisoner detained in the Cuyahoga County Jail, has filed an *in forma pauperis* civil rights Complaint in this action pursuant to 42 U.S.C. § 1983 against Defendant Cassandra Collier-Williams, a Judge of the Cuyahoga County Court of Common Pleas. (Doc. No. 1.) The Plaintiff contends Judge Collier-Williams violated his constitutional rights by not declaring a mistrial in a state criminal case against him, and he seeks damages and dismissal of the state case.

Federal district courts are required, under 28 U.S.C. § 1915A, to review as soon as practical after docketing any complaint filed in a civil action in which a prisoner seeks redress from a governmental entity, or an officer or employee of a governmental entity, and to dismiss before service such action that the court determines is frivolous or malicious, fails to state a claim on which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief. *See Hill v. Lappin*, 630 F.3d 468, 470 (6th Cir. 2010).

The Plaintiff's Complaint must be dismissed. Judges are entitled to absolute immunity from suits based on their judicial acts, even if they acted erroneously or in bad faith. *Mireles v. Waco*, 502 U.S. 9, 11 (1991). Absolute judicial immunity is overcome in only two sets of circumstances, if the judge's actions were "nonjudicial" in nature or were "taken in the complete absence of all jurisdiction." *Id.* at 11–12. Plaintiff has not alleged facts plausibly suggesting that Judge Collier-Williams took any action falling outside of the scope of her judicial immunity. To the contrary, his allegations clearly pertain to judicial acts for which the Judge is absolutely immune from suit.

Furthermore, to the extent the Plaintiff asks the court to dismiss a state criminal judgment against him, or to dismiss a state criminal case, his action is barred by the *Rooker-Feldman* doctrine, which precludes a federal court from exercising jurisdiction over claims that, in substance, seek appellate review of a state court decision. *See Dakota v. Brown*, No. 3:12 CV 2110, 2012 WL 5378733, at *5 (N.D. Ohio Oct. 31, 2012). Federal district courts do not have jurisdiction over challenges to state court decisions even if the challenges purport to allege that a state court's action was unconstitutional. *Id.*

Conclusion

Accordingly, this action is dismissed pursuant to 28 U.S.C. § 1915A. The court further certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

August 8, 2017