



prosecution under 32 U.S.C. § 1983. (Doc. No. 1 at 6.) Although his Complaint indicates he seeks an “injunction,” the only relief actually described in the Complaint is monetary. (*See id.*)

### **Standard of Review**

Although filings by *pro se* litigants are liberally construed, *Williams v. Curtin*, 631 F.3d 380, 383 (6th Cir. 2011), District Courts are required under 28 U.S.C. §1915(e)(2)(B) to screen all *in forma pauperis* actions brought in Federal Court, and to dismiss before service any such action that the Court determines is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief from defendant who is immune from such relief. *See* 28 U.S.C. §1915(e)(2)(B); *Hill v. Lappin*, 630 F.3d 468, 470-71 (6<sup>th</sup> Cir. 2010). In order to state a claim, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

### **Analysis**

Upon review, the Court finds Plaintiff’s Complaint must be dismissed pursuant to § 1915(e)(2)(B).

It is well established that judges and other court officers enjoy absolute immunity from suits for monetary damages on claims arising out of the performance of judicial or quasi-judicial functions. *See Wappler v. Carniak*, 24 F. App’x 294, 295-96 (6th Cir. 2001). Plaintiff is seeking to hold both Judge Corrigan and Staff Attorney Hannan liable for conduct falling within the scope of judicial duties for which they are entitled to absolute immunity.

In addition, the State of Ohio is entitled to immunity under the Eleventh Amendment and cannot be sued for damages in Federal Court. *See Herbst v. Voinovich*, 9 F. Supp. 2d 828, 832 (N.D. Ohio 1998).

Finally, as Plaintiff himself alleges, Luann Mitchell is a private citizen who does not act under color of state law. (*See* Doc. No. 1 at 4, ¶ II (D).) Therefore, Plaintiff has no cognizable claim against her under § 1983. *Azar v. Conley*, 456 F.2d 1382 (6<sup>th</sup> Cir. 1972) (where a complaint in a civil rights action against a private citizen did not allege that the private person was acting “under color of law,” the action against such defendant was properly dismissed.).

#### **Conclusion**

Accordingly, Plaintiff’s motion to proceed *in forma pauperis* (Doc. No. 2) is granted, and his Complaint is dismissed in accordance with 28 U.S.C. § 1915(e)(2)(B). 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/ Christopher A. Boyko  
**CHRISTOPHER A. BOYKO**  
**United States District Judge**

**Dated:** March 12, 2018