



Case No. 20-cv-825  
Gwin, J.

First, it is well-established that judges and other court officers enjoy absolute immunity from suits seeking 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). The plaintiff seeks damages from a defendant who is immune from his damages suit.

Second, “*habeas corpus* is the exclusive remedy for a state prisoner who challenges the fact or duration of his confinement. . . even though such a claim may come within the literal terms of § 1983.” *Heck v. Humphrey*, 512 U.S. 477, 481 (1994) (citing *Preiser v. Rodriguez*, 411 U.S. 475, 488–90 (1973)). In order for a plaintiff to pursue a damage claim under 42 U.S.C. § 1983 for an “allegedly unconstitutional conviction or imprisonment,” a plaintiff must first demonstrate that the conviction or imprisonment at issue has already been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court’s issuance of a writ of habeas corpus. *Id.* at 486-87. The plaintiff has not alleged or demonstrated that his challenged confinement has been invalidated or called into question in any of the ways articulated in *Heck*.

### **Conclusion**

Accordingly, the plaintiff’s complaint against Judge McClelland is dismissed pursuant to 28 U.S.C. § 1915A. In light of this ruling, the plaintiff’s motion to proceed *in forma pauperis* (Doc. No. 2) is denied as moot. 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.

Dated: February 17, 2021

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE