UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

CHARLES LEMONS, III,	)	CASE NO. 4:08 CV 1747
	)	
Plaintiff,	)	JUDGE DONALD C. NUGENT
	)	
v.	)	
	)	MEMORANDUM OF OPINION
PETER KONTOS, Judge,	)	AND ORDER
	)	
Defendant.	)	

On July 21, 2008, plaintiff pro se Charles Lemons III filed this action against Judge Peter Kontos. While the complaint is very brief, it appears to seek to assert a violation of plaintiff's right to a speedy trial. For the reasons stated below, this action is dismissed pursuant to 28 U.S.C. § 1915A.

A district court is expressly required to dismiss any civil action filed by a prisoner seeking relief from a governmental officer or entity, as soon as possible after docketing, if the court concludes that the complaint fails to state a claim upon which relief may be granted, or if the plaintiff seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §1915A; Siller v. Dean, No. 99-5323, 2000 WL 145167 , at *2 (6th Cir. Feb. 1, 2000)

The Supreme Court has held that, when a prisoner challenges "the very fact or duration of his physical imprisonment, ... his sole federal remedy is a writ of habeas corpus." Preiser v. Rodriguez, 411 U.S. 475, 501 (1973). Further, judges are immune from liability for actions taken within the scope of their official duties. Pierson v. Ray, 387 U.S. 547 (1967). There is no suggestion in the complaint that Judge Kontos acted outside the scope of his official duties with regard to the actions of which plaintiff complains.

Accordingly, this action is dismissed under section 1915A. Further, the court 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.

Donald C. Nugent 9/30/08

DONALD C. NUGENT
UNITED STATES DISTRICT JUDGE