

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MICHAEL L. PAIGE,

Plaintiff,

v.

MAUREEN A. SWEENEY, Judge,

Defendant.

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CASE NO. 4:14CV2006

JUDGE BENITA Y. PEARSON

**MEMORANDUM OF OPINION
AND ORDER**

On September 10, 2014, Plaintiff *pro se* Michael L. Paige filed this action under [42 U.S.C. § 1983](#) against Ohio Court of Common Pleas Judge Maureen A. Sweeney. Plaintiff, an inmate at the Mahoning County Jail, alleges he has been incarcerated there on pending charges since October 2012. In March 3, 2014, a jury acquitted him of Aggravated Murder, but could not reach a unanimous verdict on the remaining charges of Murder and Tampering with Evidence. Plaintiff seeks damages and release from incarceration.

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 jurisdiction. *Pierson v. Ray*, 386 U.S. 547, 554 (1967). There is

no suggestion in the Complaint that Judge Sweeney acted outside of the scope of her jurisdiction with regard to the actions of which Plaintiff complains.

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

IT IS SO ORDERED.

February 26, 2015
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge