Jackson v. Pearson Doc. 5

## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION

MAGGAE JO JACKSON,	)	CASE NO. 4:16cv1121
	)	
	)	
PLAINTIFF,	)	JUDGE SARA LIOI
	)	
vs.	)	
	)	MEMORANDUM OPINION
	)	
JUDGE BENITA Y. PEARSON,	)	
	)	
	)	
DEFENDANT.	)	

On May 11, 2016, *pro se* plaintiff Maggae Jo Jackson filed this *in forma pauperis* action for "slander" against United States District Judge Benita Y. Pearson. The one-page complaint essentially alleges Judge Pearson improperly dismissed a previous case plaintiff filed in this Court. For the reasons stated below, this action is dismissed pursuant to 28 U.S.C. § 1915(e).

Although *pro se* pleadings are liberally construed, *Boag v. MacDougall*, 454 U.S. 364, 365, 102 S. Ct. 700, 70 L. Ed. 2d 551 (1982) (per curiam), the district court is required to dismiss an action under 28 U.S.C. § 1915(e) if it fails to state a claim upon which relief can be granted, or if it lacks an arguable basis in law or fact. *Neitzke v. Williams*, 490 U.S. 319, 324, 109 S. Ct. 1827, 104 L. Ed. 2d 338 (1989); *Hill v. Lappin*, 630 F.3d 468, 470 (6th Cir. 2010).

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<sup>&</sup>lt;sup>1</sup> An *in forma pauperis* claim may be dismissed *sua sponte*, without prior notice to the plaintiff and without service of process on the defendant, if the court explicitly states that it is invoking § 1915(e) [formerly 28 U.S.C. § 1915(d)] and is dismissing the claim for one of the reasons set forth in the statute. *Chase Manhattan Mortg. v. Smith*, 507 F.3d 910, 915 (6th Cir. 2007); *Gibson v. R.G. Smith Co.*, 915 F.2d 260, 261 (6th Cir. 1990) (citations omitted); *Harris v. Johnson*, 784 F.2d 222, 224 (6th Cir. 1986).

Judicial officers are generally absolutely immune from civil suits for money

damages. Mireles v. Waco, 502 U.S. 9, 9, 112 S. Ct. 286, 116 L. Ed. 2d 9 (1991) (collecting

cases); Barnes v. Winchell, 105 F.3d 1111, 1115 (6th Cir. 1997) (collecting cases). This

far-reaching protection is needed to ensure that the independent and impartial exercise of

judgment is not impaired by the exposure of potential damages. Barnes, 105 F.3d at 1115.

For this reason, absolute immunity is overcome only in two situations: (1) when the

conduct alleged is not performed in the judge's judicial capacity; or (2) when the conduct

alleged, although judicial in nature, is taken in complete absence of all jurisdiction.

Barnes, 105 F.3d at 1116 (citing, among authority, Mireles, 502 U.S. at 11-12). Plaintiff

alleges no facts suggesting either of these criteria has been met in this case.

Based on the foregoing, plaintiff's request to proceed in forma pauperis is granted,

and this action is dismissed under § 1915(e). Further, the Court certifies, pursuant 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: May 17, 2016

HONORÁBLE SARA LIOI

UNITED STATES DISTRICT JUDGE

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