

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

EVERETT HOUCK,)	
)	
Plaintiff,)	
vs.)	NO. CIV-13-0075-HE
)	
NOMA GURICH,)	
)	
Defendant.)	

ORDER

Plaintiff Everett Houck filed this action against the Honorable Noma Gurich seeking relief under 18 U.S.C. § 242.¹ Specifically, he requests “a criminal investigation of the judges in the state of Oklahoma and a return to honesty in the court system.” Complaint, p.

1. Plaintiff’s claims appear to arise out of a foreclosure action in state court that has been the basis for several lawsuits filed in federal court, including Houck v. Ball, CIV-12-840-HE (W.D.Okla. Aug. 3, 2012), *aff’d*, 2012 WL 5909612 (10th Cir. 2012) and Houck v. Ball, CIV-12-1218-HE (W.D.Okla. Nov. 5, 2012), *appeal docketed*, No.12-6301 (10th Cir. Nov. 26, 2012).

Plaintiff has not pleaded a basis for the court’s subject matter jurisdiction. The parties do not appear to be diverse and the statute plaintiff relies on is a criminal statute which does not provide a private right of action. Plaintiff also has failed to state a claim as the action challenged – the dismissal of plaintiff’s appeal to the Oklahoma Supreme Court – was taken


¹*Plaintiff has made essentially the same allegations in a separate lawsuit filed against the undersigned judge. However, the court concludes that recusal is not required. See Azubuko v. Royal, 443 F.3d 302, 304 (3d Cir. 2006).*

by Justice Gurich in her judicial capacity. See Adkins v. Johnson, 482 Fed.Appx.318, 319 (10th Cir. 2012) (unpublished) (“[E]xcept where a judge has acted ‘in the clear absence of all jurisdiction,’ the doctrine of judicial immunity shields [a] judge from liability for the judge's official adjudicative acts.”) (quoting Lundahl v. Zimmer, 296 F.3d 936, 939 (10th Cir.2002)), *cert. denied*, 133 S.Ct. 439 (2012).

Accordingly, the court *sua sponte* dismisses plaintiff’s claim against Justice Gurich. Because amendment would be futile, plaintiff’s complaint is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

Dated this 30th day of January, 2013.



JOE HEATON
UNITED STATES DISTRICT JUDGE