

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CAROLYN ROUSSEAU; CORY
PALMERTON,

Civ. No. 09-6104-AA

Plaintiffs,

OPINION AND ORDER

v.

CLAUDIA M. BURTON; DANIEL L.
HARRIS; NANCY DOTY; JOHN DOE
and JANE DOE,

Defendants.

AIKEN, Chief Judge:

Plaintiffs filed suit alleging violations of plaintiff Rousseau's due process rights, arising from underlying state court proceedings regarding Rousseau's competency. Plaintiffs seek damages and reversal of two orders entered in those proceedings. See Complaint, III(2). Plaintiffs name as defendants state court judges Burton and Harris, who apparently presided over the underlying proceedings, and Doty, the appointed guardian and conservator of Rousseau, who - in that capacity - revoked powers of attorney that Rousseau delegated to plaintiff Palmerton.

State judge defendants Burton and Harris move for dismissal of

plaintiffs' claims, arguing that they are barred by judicial immunity. Defendants are correct. Judicial officers are immune from suit for actions or rulings performed in their judicial capacities. Stump v. Sparkman, 435 U.S. 349, 362 (1978). Further, plaintiffs fail to allege a cognizable legal theory to pursue a due process claim against Doty, a private individual.

Moreover, to the extent plaintiffs challenge judicial rulings entered in pending or final state court proceedings, plaintiffs cannot raise such challenges in this court. Federal courts generally may not intervene in pending state court proceedings, Kleenwell Biohazard Waste & General Ecology Consultants, Inc. v. Nelson, 48 F.3d 391, 393 (9th Cir. 1995), and review of a final state court decision by a federal district court is prohibited. Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923); D.C. Ct. of Appeals v. Feldman, 460 U.S. 462 (1983). For these reasons, amendment of plaintiffs' complaint would be futile.

CONCLUSION

State Judge Defendants' Motion to Dismiss (doc. 5) is GRANTED, and plaintiffs' claims are DISMISSED in their entirety. All pending motions are DENIED AS MOOT. IT IS SO ORDERED.

Dated this 8 day of July, 2009.



Ann Aiken
Chief United States District Judge