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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

RONNIE SCOTT MEDINGER,)	
)	
Plaintiff,)	Case No. 11-3014 -HO
)	
v.)	ORDER
)	
TREVOR ARNOLD, City of Medford)	
Police Officer, in his individual)	
and official capacities; JAMES)	
BARRINGER, City of Medford)	
Police Officer, in his individual)	
and official capacities; THE CITY)	
OF MEDFORD, a public entity;)	
RACHAEL BRIDGES, Jackson County)	
Assistant District Attorney, in)	
her individual capacities;)	
JACKSON COUNTY, a public entity,)	
)	
Defendants.)	
_____)	

INTRODUCTION

On February 3, 2011, *pro se* plaintiff Ronnie Medinger (Medinger) filed a civil rights complaint against defendants City of Medford Police Officer Trevor Arnold; City of Medford Police

Officer James Barringer; the City of Medford; Jackson County Assistant District Attorney Rachael Bridges and Jackson County. [#2]. The complaint alleges that on February 9, 2009, plaintiff was arrested without probable cause and placed in custody where he remained from February 9, 2009, until April 17, 2009. [#2-p.3, ¶ 12]. Medinger alleges that on April 2, 2009, he appeared before the Honorable Timothy Barnack who ruled he was arrested without probable cause. [#2-p.4, ¶ 17]. This ruling was allegedly affirmed by the Oregon Court of Appeals on April 28, 2011. [#2-p.4, ¶¶ 18-19]. Medinger seeks declaratory relief and \$500,000 damages. [#2-p.5, ¶¶ 24-30].

Defendant Bridges moves to dismiss plaintiff's complaint for failure to state a claim. [#19].

DISCUSSION

Defendant Bridges moves to dismiss all claims against her, with prejudice, arguing that plaintiff has failed to articulate a cognizable legal theory and his claims against her are barred by prosecutorial immunity. [#19; #20].

1. Motion to Dismiss Standard:

A Motion to Dismiss under Fed.R.Civ.P. 12(b)(6) is proper only where there is a lack of a cognizable legal theory or the absence of sufficient facts alleged under a cognizable theory. *Balisteri v. Pacific Police Dept.*, 901 F.2d 696,699 (9th Cir.1990). The issue is not whether the plaintiff is likely to

succeed on the merits but if the complaint is sufficient to entitle the plaintiff to proceed beyond the pleadings in an attempt to establish his claim. *De La Cruz v. Torrey*, 582 F.2d 45, 48 (9th Cir 1978). Under these standards, leave to amend a deficient complaint must be granted "... [u]nless it is absolutely clear that no amendment can cure the defects." *Lucas v. Dep't of Corrections*, 66 F.3d 245, 248 (9th Cir. 1995).

2. Background:

The following are contentions set forth in plaintiff's complaint. Plaintiff alleges that on February 9, 2009, he "was arrested without probable cause by officer Barringer when plaintiff was walking down the street southbound on Riverside road in Medford, Oregon." [#2-p.3, ¶ 12]. Plaintiff alleges that Officer Barringer then "drove plaintiff to the scene of an alleged crime where officer Arnold illegally searched plaintiff." [#2-p.3, ¶ 13]. The officers then took plaintiff to the Jackson County jail where he was "booked . . . for a parole violation." [#2-p.3, ¶ 13¹]. Bridges secured an indictment against plaintiff on February 22, 2009. [#2-p.3, ¶ 15]. Plaintiff remained in custody from February 9, 2009 through April 17, 2009. [#2-p.4, ¶ 16]. On April 2, 2009, Jackson County Circuit Court Judge Timothy Barnack found there was no probable cause to arrest

¹ Plaintiff's complaint contains two paragraphs numbered 13. This is the second paragraph 13.

plaintiff. [#2-p.4,¶ 17]. Plaintiff alleges that defendant Bridges appealed that ruling which was affirmed by the Court of Appeals on April 28, 2010. [#2-p.4,¶¶ 18-19].

3. Prosecutorial Immunity:

Plaintiff asserts claims against all defendants of Fourth, Fifth, Eighth and Fourteenth Amendment violations "resulting [from] his [u]nlawful detention, imprisonment and malicious prosecution". [#2-p.1,¶ 1; p.4,¶ 22].

Plaintiff's claims against defendant Bridges are entirely based on her actions initiating and prosecuting plaintiff and thus, actions undertaken in her capacity as an Assistant District Attorney for the County of Jackson. Similarly, any activity that Ms. Bridges undertook in her capacity as a Jackson County Assistant District Attorney appealing Judge Barnack's ruling, was to present the state's case. Plaintiff does not allege any action by Ms Bridges that was not solely related to the criminal proceedings against him.

As a state prosecutor, Assistant District Attorney Bridges has absolute prosecutorial immunity. *Meyers v. Contra Costa Co. Dept. Soc. Serv.*, 812 F.2d 1154, 1156 (9th Cir. 1987); see also *Imbler v. Pachtman*, 424, U.S. 409, 430 (1976). This immunity is expressly designed to permit prosecutors to perform their duties without fear of even the threat of section 1983 litigation. *Meyers*. 812 F.2d at 1156.

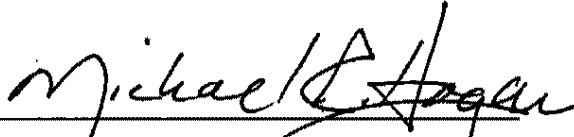
Ms. Bridges' alleged actions in this matter solely involve her duties as a prosecutor for the County of Jackson in the judicial and appellate process of a criminal matter and are therefore actions for which she is entitled to absolute immunity.

CONCLUSION

Based on the foregoing, all claims against Defendant Bridges are dismissed. Defendant's Motion to Dismiss [#19] is GRANTED.

IT IS SO ORDERED

DATED this 5th day of July, 2011.


UNITED STATES DISTRICT JUDGE