

Rule 12(b)(6) of the Federal Rules of Civil Procedure. *Banks v. County of Allegheny*, 568 F.Supp.2d 579, 587-89 (W.D. Pa. 2008).

III. Discussion and Review of Plaintiff's Filings

Plaintiff, a pro se litigant, filed this action on December 20, 2021.¹ The only Defendant named in this action is Erie County District Attorney Jack Daneri. Mr. Lilley alleges:

I was arrested May 31, 2015 and sentenced 6 months maximum penalty that ended December 1st 2015 and was not discharged from prison until December 8, 2015[.] 6 month agreement. Ex post Facto?

ECF No. 1-1, page 4.

In the Relief section of the proposed complaint, Plaintiff states:

I received no discharge of my maximum sentence of 6 months that ended December 1st 2015. I was released from Erie County Prison December 8. Civil right pain and suffering torture.

Id. Furthermore, Plaintiff seeks \$285,000,000,000,000,000,000 in monetary damages.

Because Plaintiff seeks an award of damages from District Attorney Daneri, his claims are barred by absolute prosecutorial immunity. *See Imbler v. Pachtman*, 424 U.S. 409, 430 (1976); *Walker v. City of Philadelphia*, 436 Fed. App'x 61, 62 (3d Cir. 2011) (per curiam); *Kulwicki v. Dawson*, 969 F.2d 1454, 1463–64 (3d Cir. 1992). Under the circumstances presented, these claims are clearly based on an indisputably meritless legal theory and thus will be dismissed as legally frivolous. *See Newton v. City of Wilmington*, 206 F. Supp. 3d 947, 954 (D. Del. 2016) (dismissing damages claims against prosecutors as frivolous); *Figueroa v. Clark*, 810 F. Supp. 613, 615 (E.D. Pa. 1992) (same).

¹ Plaintiff is a prolific filer in this Court. Since May 2021, Plaintiff has initiated multiple lawsuits in this federal district court.

Generally, if a civil rights complaint is vulnerable to dismissal for failure to state a claim, the Court should permit a curative amendment. *See Grayson v. Mayview State Hosp.*, 293 F.3d 103 (32d Cir. 2002). However, the court “need not provide endless opportunities for amendment, especially where such opportunity already has been enjoyed.” *Baker v. Moon Area Sch. Dist.*, 2018 WL 40571719, at *8 (W.D. Pa. Aug. 27, 2018) *quoting Taylor v. Pilewski*, 2008 WL 4861446, at *3 (W.D. Pa. Nov. 7, 2008). Because the undersigned concludes, as a matter of law, that Plaintiff cannot establish a constitutional or statutory violation based on the facts alleged in the proposed complaint against this Defendant, leave to amend is futile.

An appropriate Order follows this Memorandum Opinion.