

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

JUL 28 2015

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

ADAM PELLETIER,)	Civil Action No. 7:15-cv-00339
Plaintiff,)	
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
LOUISA COUNTY CIRCUIT)	
COURT, <u>et al.</u> ,)	By: Hon. Michael F. Urbanski
Defendants.)	United States District Judge

Adam Pelletier, a Virginia inmate proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. Plaintiff names as defendants the Louisa County Circuit Court, Circuit Court Judge Timothy Sanners, and the Commonwealth of Virginia. Plaintiff requests damages and an injunction as relief because the defendants allegedly caused his state habeas petition to be dismissed. For the following reasons, the complaint is dismissed without prejudice as frivolous.

Defendants Commonwealth of Virginia and Circuit Court Judge Timothy Sanners are immune pursuant to sovereign and judicial immunity, and the Louisa County Circuit Court is not a person for purposes of 42 U.S.C. § 1983. To the extent Plaintiff challenges the "fraudulent" evidence used to secure his convictions for which he is presently incarcerated, a writ of habeas corpus is the sole federal remedy to challenge his imprisonment. Preiser v. Rodriguez, 411 U.S. 475, 500 (1973). Accordingly, the complaint is dismissed without prejudice as frivolous for pursuing indisputably meritless legal theories via 42 U.S.C. § 1983.

ENTER: This 28th day of July, 2015.

1st Michael F. Urbanski
United States District Judge