

HONORABLE RONALD B. LEIGHTON

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROCKY MEL CONTRERAS, et al,

Plaintiff,

v.

KATHERINE STOLTS, et al,

Defendant.

CASE NO. C12-5780RBL

ORDER

THIS MATTER is before the Court on Plaintiff’s Motion to Appoint Counsel [Dkt. #18], Motion for Service by plaintiff [Dkt. #19] and Motion for Discovery and Inspection and Motion for Continuance by plaintiff [Dkt. #20]. The Court is familiar with the facts and the motions are **DENIED.**

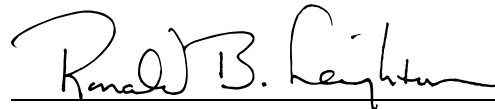
The Fourth Amended Class Action Complaint is in the name of Rocky M. Contreras, David A. Howlett, and Gregory Taylor. The operative facts confirm that David A. Howlett was arrested and prosecuted by the Pierce County Prosecutor. The case was assigned to Superior Court Judge Katherine M. Stolts. On May 28, 2012, Rocky M. Contreras was arrested and booked into the Pierce County Jail. He is or was prosecuted by the Pierce County Prosecutor’s Office and his case was assigned to Judge Brian Tollefson. Gregory Taylor was also a criminal

1 defendant in Pierce County Superior Court. He, too, asserts a grievance regarding the criminal
2 history calculation for sentencing.

3 All of the named defendants are judges and prosecutors and all have immunity in a civil
4 rights action. The judge presiding over a plaintiff's criminal action has absolute immunity from
5 suit. *Ashelman v. Pope*, 793 F.2d 1072, 1075 (9th Cir. 1986). The prosecutor also has absolute
6 immunity from suit. *Imbler v. Pachtman*, 424 U.S. 409, 421 (1976).

7 The Motion to Appoint Counsel by Plaintiff Rock Mel Contreras [Dkt. #18] is **DENIED**.
8 The Motion for Service by Plaintiff Rocky Mel Contreras [Dkt. #19] is **DENIED**. The Motion
9 for Discovery, Inspection and Continuance by Plaintiff Rocky Mel Contreras [Dkt. #20] is
10 **DENIED**.

11 Dated this 12th day of December, 2012.

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14 Ronald B. Leighton
15 United States District Judge
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