

FILED

OCT 5 2009

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GREGORY T. HOWARD,

Plaintiff,

v.

Civil Action No.

09 1891

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT
OF OHIO, *et al.*,

Defendants.

MEMORANDUM OPINION

This matter is before the Court on consideration of plaintiff's application to proceed *in forma pauperis* and *pro se* complaint. The Court will grant the application, and will dismiss the complaint with prejudice.

Plaintiff purports to bring this action under the Federal Tort Claims Act ("FTCA"), *see* 28 U.S.C. § 2671 *et seq.*, against the United States District Court for the Southern District of Ohio, the United States Attorney for the Southern District of Ohio, the United States Attorney General, the Administrative Office of the United States Courts, and the United States Department of the Treasury. Generally, he objects to the decisions of The Hon. Algenon L. Marbley, United States District Judge for the Southern District of Ohio, in a civil action filed in that district. *See* Compl. ¶¶ 4-5. Because of Judge Marbley's alleged inappropriate conduct, plaintiff demands damages totalling \$27,519,203.43. *See id.* ¶¶ 5-6.

Notwithstanding plaintiff's reliance on the FTCA as a basis for this Court's jurisdiction, it is clear that plaintiff demands damages in connection with Judge Marbley's unfavorable decisions in cases filed by plaintiff in the Southern District of Ohio. A federal judge is absolutely

immune from a lawsuit arising from actions taken in his judicial capacity. *Forrester v. White*, 484 U.S. 219, 225 (1988); *Stump v. Sparkman*, 435 U.S. 349, 355-57 (1978); *Sindram v. Suda*, 986 F.2d 1459, 1460 (D.C. Cir. 1993). Accordingly, the Court dismisses the complaint with prejudice because it seeks monetary damages against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B)(iii); see *Howard v. United States District Court for the Southern District of Ohio*, No. 09-0531 (CKK), 2009 WL 837642 (D.D.C. Mar. 30, 2009) (dismissing *sua sponte* under 28 U.S.C. § 1915(e)(2)(B)(iii) a complaint “seek[ing] damages in connection with various rulings made by Judge Algenon L. Marbley in a case involving Plaintiff in the Federal District Court of the Southern District of Ohio” on the ground that “[j]udges are absolutely immune from lawsuits predicated on acts taken, as alleged here, in their judicial capacities”), *aff’d*, No. 09-5139, 2009 WL 2981979 (D.C. Cir. July 10, 2009).

An Order consistent with this Memorandum is issued separately on this same date.


United States District Judge

Date:

9/24/09