

**FILED**

**FEB 29 2008**

**NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Courtney Anthony Bailey,

Plaintiff,

v.

Alan Kay,

Defendant.

Civil Action No.

**08 0369**

MEMORANDUM OPINION

This matter is before the Court on review of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The application will be granted and the complaint will be dismissed pursuant to 28 U.S.C. § 1915A (requiring dismissal of a prisoner's complaint upon a determination that the complaint, among other grounds, seeks monetary relief from an immune defendant).

Plaintiff is a federal prisoner confined in White Deer, Pennsylvania. He sues Magistrate Judge Alan Kay of this Court for allegedly "hold[ing] plaintiff without bond [and ordering] plaintiff removed from the District of Columbia," in contravention of an order from the Superior Court of the District of Columbia. Compl. at 1-2. Plaintiff claims that Magistrate Judge Kay acted without jurisdiction and, thus, "may be liable for 'false imprisonment.'" *Id.* at 2. He seeks \$7 million. Judges are absolutely immune from lawsuits predicated on acts taken, as alleged here, in their 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). The complaint therefore is dismissed. A separate Order accompanies this Memorandum Opinion.

Date: February 27, 2008

United States District Judge