

	)	
<b>DAVID KISSI,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 08-1213 (CKK)</b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

Before the Court is plaintiff's *pro se* complaint for damages in which he also makes a request for appointed counsel. The complaint will be dismissed for lack of subject matter jurisdiction and any other pending motion denied as moot.

---

<sup>1</sup> Local Civil Rule 5.1(e) obligates plaintiff to advise the court of his current address, and to notify the court within 10 days of any change of address.

§ 2679(d). The United States removed the case to this Court and amended the case caption to reflect that the United States is the real party in interest.

This Court is obligated to conduct early screening of complaints filed by prisoners proceeding *in forma pauperis*, 28 U.S.C. 1915A(a). At any time that the Court determines that the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief, the Court shall dismiss the case. 28 U.S.C. 1915(e). The complaint alleges violations of the plaintiff's First and Fifth Amendment rights, but both the United States and the federal judge are immune from money damages for any alleged violations of plaintiff's First or Fifth Amendment rights. Sovereign immunity bars all suits against the United States, except when there has been a statutory waiver of such immunity. *See United States v. Mitchell*, 445 U.S. 535, 538 (1980) (explaining that the United States, as sovereign, is immune from suit except where it consents to be sued, and that a waiver of sovereign immunity cannot be implied but must be expressed with clear congressional intent). The United States has not waived its sovereign immunity with respect to constitutional tort claims. *Clark v. Library of Congress*, 750 F.2d 89, 103 n. 31, 104 (D.C. Cir. 1984) (holding in suit against Library and Librarian of Congress for violation of First Amendment rights that sovereign immunity barred suit for money damages against Library and Librarian acting in his official capacity); *Laswell v. Brown*, 683 F.2d 261, 268 (8th Cir. 1982) (holding that the United States and its agencies enjoyed sovereign immunity from constitutional tort claim). Moreover, federal judges enjoy absolute judicial immunity from suits for money damages for all actions taken in the judge's judicial capacity . . . ." *Sindram v. Suda*, 986 F.2d 1459, 1460 (D.C. Cir. 1993) (citing *Mireles v. Waco*, 502 U.S. 9 (1991) ( per curiam ) ("A long line of this Court's

precedents acknowledges that, generally a judge is immune from a suit for money damages.”). Having reviewed this complaint, the Court finds that the plaintiff seeks monetary relief from a defendant who is immune from such relief. Accordingly, the complaint will be dismissed. 28 U.S.C. §§ 1915(e)(2)(B)(iii) and 1915A(a)(b)(2). All other pending motions will be denied as moot.

A related Order accompanies this Memorandum Opinion.

Date: August 5, 2008

/s/  
COLLEEN KOLLAR-KOTELLY  
United States District Judge

COPY TO PLAINTIFF:

David Kissi, Reg. No. #38348-037  
Federal Satellite Low Elkton  
P.O. Box 10  
Lisbon, OH 44432

and

David Kissi  
325 Pennsylvania Avenue, SE  
Washington, DC 20003