

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Saleem El Amin,

Plaintiff,

v.

Judge William Jackson *et al.*,

Defendants.

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Case: 1:15-cv-01704

Assigned To : Unassigned

Assign. Date : 10/16/2015

Description: Pro Se Gen. Civil (F Deck)

MEMORANDUM OPINION

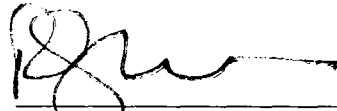
Plaintiff, proceeding *pro se*, has submitted a complaint and an application to proceed *in forma pauperis*. The application will be granted and the complaint will be dismissed pursuant to 28 U.S.C. § 1915A, which requires the Court to screen and dismiss a prisoner's complaint upon a determination that it fails to state a claim upon which relief may be granted or seeks monetary relief from an immune defendant. *See id.* § 1915A(b).

Plaintiff is incarcerated at the Canaan United States Penitentiary in Waymart, Pennsylvania. He sues a judge of the Superior Court of the District of Columbia for money damages based on the judge's sentencing decisions and dismissal of a charge. In addition, plaintiff sues who appears from the listed address to be an assistant United States attorney for money damages for "submitting an upward departure without giving adequate notice." Compl. at 1.

Judges are absolutely immune from lawsuits arising from acts, such as those alleged here, taken in their judicial capacity. *See Mirales v. Waco*, 502 U.S. 9, 11-12 (1991); *Thanh Vong Hoai v. Superior Court for District of Columbia*, 344 Fed. Appx. 620 (D.C. Cir. 2009) (per

curiam); *Sindram v. Suda*, 986 F.2d 1459, 1460 (D.C. Cir. 1993). Prosecutors enjoy like immunity from suit for acts, such as those alleged here, that fall within their prosecutorial functions. See *Imbler v. Pachtman*, 424 U.S. 409, 430-31 (1976) (holding “that in initiating a prosecution and in presenting the State’s case, the prosecutor is immune from a civil suit for damages”); accord *Atherton v. District of Columbia Off. of Mayor*, 567 F.3d 672, 686 (D.C. Cir. 2009). Hence this case will be dismissed with prejudice. A separate Order accompanies this Memorandum Opinion.

DATE: October 13 2015


United States District Judge