FILED

OCT 25 2016

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Clerk, U.S. District and Bankruptcy Courts

IRA JEROME BENNETT,)	
Plaintiff,)	
v.)	Civil Action No. 16-0815 (UNA)
DENTON MATTHEWS, et al.,)	
Defendants.)	

MEMORANDUM OPINION

The plaintiff has been detained at the Charleston County Detention Center upon his arrest on November 10, 2015, on charges of first degree burglary and possession of a firearm during a violent crime. Compl. at 3. It appears that the plaintiff remains in custody because he cannot afford bond. *Id.* at 4. The plaintiff brings this action against the presiding judge, the prosecutor, and his public defender for alleged "willful deprivations of constitutional rights." *Id.* at 2. He demands dismissal of the criminal charges against him, expungement of his criminal record, and damages of \$1.5 million. *Id.* at 5.

The Court presumes that plaintiff proceeds under 42 U.S.C. § 1983 and dismisses the complaint because it fails to state a claim upon which relief can be granted. Judge Gosnell enjoys absolute immunity from liability for damages for acts taken in his judicial capacity. *See*, *e.g.*, *Stump v. Sparkman*, 435 U.S. 349, 364 (1978); *Pierson v. Ray*, 386 U.S. 547, 553-54 (1967). Solicitor Matthews, the prosecutor, also enjoys absolute immune from a suit for damages. *See Imbler v. Patchman*, 424 U.S. 409, 427 (1976). And Ms. Van Pala in her capacity

as "a public defender does not act under color of state law when performing a lawyer's traditional functions as counsel to a defendant in a criminal proceeding." *Polk Cnty. v. Dodson*, 454 U.S. 312, 325 (1981); *see Rice v. District of Columbia Pub. Def. Serv.*, 531 F. Supp. 2d 202, 204 (D.D.C. 2008).

The Court will grant the plaintiff's application to proceed *in forma pauperis* and dismiss this action. An Order accompanies this Memorandum Opinion.

DATE: 10/24 /2016

United States District Judge