

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JOSE APOLLO, SR.,

Plaintiff,

v.

JENNIFER A. DiTORO,

Defendant.

Case: 1:17-cv-00213  
Assigned To : Unassigned  
Assign. Date : 1/31/2017  
Description: Pro Se Gen. Civ. (F-DECK)

**MEMORANDUM OPINION**

This matter is before the Court on the plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint. The Court grants the application and dismisses the complaint with prejudice.

It appears that plaintiff brought a civil action in the Superior Court of the District of Columbia, which was reassigned to defendant Jennifer A. DiToro, an Associate Judge, on or about December 31, 2015. *See* Compl. at 1, 6. Generally, plaintiff alleges that Judge DiToro violated Superior Court rules, the Code of Judicial Conduct, and rights protected under the Fifth Amendment to the United States Constitution in the way she scheduled and conducted court hearings and in her ultimate decision to dismiss the case. He demands damages of \$2 trillion. *Id.* at 10.

Judge DiToro enjoys absolute immunity from liability for damages for acts taken in her judicial capacity. *See Mirales v. Waco*, 502 U.S. 9 (1991) (finding that "judicial immunity is an immunity from suit, not just from ultimate assessment of damages"); *Forrester v. White*, 484

U.S. 219, 226-27 (1988) (discussing “purposes served by judicial immunity from liability in damages”); *Stump v. Sparkman*, 435 U.S. 349, 364 (1978) (concluding that state judge was “immune from damages liability even if his [decision] was in error”); *Pierson v. Ray*, 386 U.S. 547, 553-54 (1967) (“Few doctrines were more solidly established at common law than the immunity of judges from liability for damages for acts committed within their judicial jurisdiction, as this Court recognized when it adopted the doctrine, in *Bradley v. Fisher*, 13 Wall. 335, 20 L. Ed. 646 (1872).”). Accordingly, the Court will dismiss this action with prejudice. See 28 U.S.C. § 1915(e)(2)(B)(iii).

An Order consistent with this Memorandum Opinion is issued separately.

DATE:

Jan. 31, 2017

  
United States District Judge