

FILED

MAY - 3 2018

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

Silas Kendricks,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 18-905 (UNA)
)	
Steven Whittington,)	
)	
Defendant.)	

MEMORANDUM OPINION

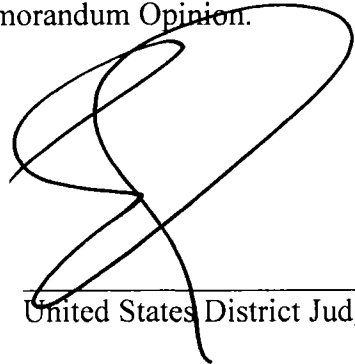
This matter is before the Court on its initial review of plaintiff's *pro se* complaint and application for leave to proceed *in forma pauperis*. The application will be granted and the case will be dismissed pursuant to 28 U.S.C. § 1915A, which requires dismissal of a prisoner's complaint upon a determination that it, among other grounds, is frivolous.

Plaintiff, a Florida state prisoner, has sued a Florida judge. The complaint arises from the judge's orders denying post-conviction relief and subsequently enjoining plaintiff from further *pro se* filings. Plaintiff wants this Court to "review . . . the facts" and find "probable cause to the filing of charges upon the defendant for the acts of fraud, filing of false reports, and criminal contempts." Compl. at 4.

"An *in forma pauperis* complaint is properly dismissed as frivolous . . . if it is clear from the face of the pleading that the named defendant is absolutely immune from suit on the claims asserted." *Crisafi v. Holland* 655 F.2d 1305, 1308 (D.C. Cir. 1981). Judges enjoy absolute immunity from suits based on acts taken in their judicial capacity, so long as they have jurisdiction over the subject matter. *Moore v. Burger*, 655 F.2d 1265, 1266 (D.C. Cir. 1981) (*per curiam*) (citing cases). Consequently, a complaint, such as here, against a judge who has "done

nothing more than [his] duty” is “a meritless action.” *Fleming v. United States*, 847 F. Supp. 170, 172 (D.D.C. 1994), *cert. denied* 513 U.S. 1150 (1995). Accordingly, this case will be dismissed. A separate order accompanies this Memorandum Opinion.

Date: ^{May}~~April~~ 3, 2018



United States District Judge