

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WILLIAM PALIN COOKE, JR.,

Petitioner,

v.

JUDGE JOHN C. SHABAZ,

Respondent.

ORDER

05-C-222-C

This is a proposed civil action for injunctive relief in which petitioner William Palin Cooke, Jr., who is proceeding pro se, seeks leave to proceed without prepayment of fees and costs or providing security for such fees and costs, pursuant to 28 U.S.C. § 1915. From the illegible affidavit of indigency accompanying petitioner's proposed complaint, I am unable to determine whether petitioner is able to prepay the fees and costs of instituting this lawsuit. Even if petitioner qualifies financially for indigent status, however, I must deny his request for leave to proceed in forma pauperis under 28 U.S.C. § 1915(e)(2).

In addressing any pro se litigant's complaint, the court must construe the complaint liberally, Haines v. Kerner, 404 U.S. 519, 521 (1972), and grant leave to proceed if there is an arguable basis for a claim in fact or law. Neitzke v. Williams, 490 U.S. 319 (1989).

However, the allegations of fact in petitioner's complaint are incomprehensible. The only factual information I can glean from the body of petitioner's complaint is that respondent Judge Shabaz has denied petitioner relief in one or more of his lawsuits. I take judicial notice that in the past three weeks, petitioner has filed seven separate lawsuits not counting this one, all of which were assigned to Judge Shabaz and all of which were dismissed. See Cooke v. Madison Police Dept., 05-C-181-S, Cooke v. Madison Police Dept., 05-C-182-S, Cooke v. Capitol Centre Apartments, 05-C-183-S, Cooke v. FBI, 05-C-200-S, Cooke v. Avol's Bookstore, 05-C-201-S, Cooke v. WSUM (91.7), 05-C-202-S and Cooke v. The Wisconsin Union, 05-C-212-S. The record also reflects that with the exception of case no. 05-C-212-S, petitioner has appealed Judge Shabaz's denials of leave to proceed to the Court of Appeals for the Seventh Circuit, and those appeals are still pending.

Few doctrines are more solidly established at common law than the absolute immunity of judges from liability for their judicial acts. Mireles v. Waco, 112 S. Ct. 286 (1991). This immunity is not for the protection or benefit of a judge, but for the benefit of the public, which has an interest in a judiciary free to exercise its function without fear of harassment by unsatisfied litigants. Pierson v. Ray, 386 U.S. 547, 554 (1967). The scope of judicial immunity is defined by the functions it protects, not by the person to whom it attaches. Forrester v. White, 484 U.S. 219 (1988). However, it is unquestioned that immunity applies to "the paradigmatic judicial acts involved in resolving disputes between

parties who have invoked the jurisdiction of a court." Id. Because petitioner's claim against respondent Shabaz appears to be based on his dissatisfaction with this respondent's judicial decision, I conclude that there is no arguable basis in fact or law for his claim.

ORDER

IT IS ORDERED that petitioner's request for leave to proceed in forma pauperis in this case is DENIED.

Entered this 18th day of April, 2005.

BY THE COURT:

BARBARA B. CRABB
District Judge