

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

CHRISTINE L. WILDE,

Petitioner,

v.

JUDGE JOHN W. ROETHE,

Respondent.

ORDER

05-C-476-C

This is a proposed action for injunctive and monetary relief, brought pursuant to 42 U.S.C. §1983. Petitioner, who resides in Beloit, Wisconsin, 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 affidavit of indigency accompanying petitioner's proposed complaint, I conclude that petitioner is unable to prepay the fees and costs of instituting this lawsuit.

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 in forma pauperis if there is an arguable basis for a claim in fact or law. Neitzke v. Williams, 490 U.S. 319 (1989).

In her complaint, petitioner makes the following allegations of fact.

Allegations of Fact

Respondent John W. Roethe is a circuit court judge in Janesville, Wisconsin.

In 1981, petitioner was “declared incompetent by the federal, state and county courts to never be in a court room for the rest of [her] life, and not hold cases concerning [her]. Also, petitioner was placed in the custody and control of the Wisconsin Department of Health and Social Services for two years.

In 2002, petitioner became involved in a divorce case that concluded on August 5, 2003 in front of respondent. Respondent Roethe falsified his minutes in the case. He decided to proceed without regard for petitioner’s disability and as a result, she was “neurologically and psychologically abused.” Petitioner asks that the court read her medical reports carefully, find misconduct on the part of respondent Roethe and award her monetary damages and any other relief appropriate under the circumstances.

OPINION

Few doctrines are more solidly established at common law than the absolute immunity of judges from liability for their judicial acts, even when they act maliciously or corruptly. Ohse v. Hughes, 816 F.2d 1144, 1154 (7th Cir. 1987) (citing Stump v. Sparkman, 435 U.S. 349 (1978)). This immunity is not for the protection or benefit of a malicious or corrupt 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, 108 S.Ct. 538, 544 (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 claims against respondent Roethe is based on her dissatisfaction with his judicial acts, for which he is entitled to absolute immunity, I conclude that there is no arguable basis in fact or law for her claims.

ORDER

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

Entered this 5th day of August, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge