

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Jeffrey A. Trueman	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	NO. 04-5085
	:	
	:	
City of Chichester et al,	:	
	:	
	:	
Defendants.	:	

MEMORANDUM-ORDER

Presently pending is Defendant District Judge Murphy’s Motion to Dismiss and Plaintiff’s Brief in Opposition thereto. For the reasons set forth below Defendant’s Motion to Dismiss will be Granted and Plaintiff’s Complaint against him will be dismissed.

BACKGROUND

The Complaint arises out of a traffic stop that occurred on January 31, 2003. Plaintiff states that Defendant Michael Fanelli stopped Plaintiff for an alleged stop sign violation. As a result of the stop, Plaintiff was charged with driving under the influence, terrorist threats and finally a stop sign violation. Defendant Murphy presided over the resultant trial. Plaintiff thereafter filed a motion to suppress in the Delaware County Court of Common Pleas, which was granted by Judge Wright. Subsequent to Judge Wright’s ruling the Delaware County District Attorney’s Office applied for and was granted a *nolle prosequi* for all criminal charges. Plaintiff originally filed suit against the arresting officer, Defendant Fanelli, the moving Defendant Delaware County Regional Court Judge

David J. Murphy and District Attorneys G. Michael Green and Jackson M. Stewart. The claims against Defendants Green and Stewart have been dismissed. Plaintiff claims to have a cause of action against Judge Murphy, in his individual capacity, for gross and criminal misconduct and for acting in conspiracy with other co-defendants to deprive Plaintiff of his rights including his right to represent himself at trial, and loss of property without due process of law.

LEGAL STANDARD

A Judge is immune from liability when (1) the Judge has jurisdiction over the subject matter before him; and (2) he is performing a judicial act. Mireles v. Waco, 502 U.S. 9, 112 S.Ct. 286 (1991). Whether an act is judicial depends upon: (1) whether it is a function normally performed by a Judge; and, (2) whether the parties dealt with the Judge in his judicial capacity. Sparkman, 435 U.S. 349, 435 U.S. 349, 98 S.Ct. 1099 (1978.) (1978). Immunity applies even if the Judge is acting as part of an alleged conspiracy. Dennis v. Sparks, 449 U.S. 24, 101 S.Ct. 183 (1980).

A Judge's functions include determining the admissibility, reliability and relevance of evidence. In the present case against Judge Murphy, Defendant Judge Murphy presided over Plaintiff's proceeding. He made decisions relating to the admissibility of evidence and made decisions on matters related to the proceedings before him. Defendant hence performed functions normally performed by a Judge.

A judicial act also requires the parties to be dealing with the Judge in his judicial capacity. A Judge is dealing in his judicial capacity if the Judge's actions are such as are normally performed by a Judge. Sparkman, 435 U.S. 349, 435 U.S. 349, 98 S.Ct. 1099 (1978.) Presiding over a case, so as to decide its outcome is an action normally

performed by a Judge. Defendant Judge Murphy decided the case presented by all the concerned parties including the District Attorneys, relevant witnesses, including Officer Fanelli, Plaintiff and his counsel. Defendant Judge Murphy was hence acting within his judicial capacity. Since Judge Murphy performed an act normally performed by a Judge, and the Plaintiffs and Defendants dealt with him in his judicial capacity, he performed a judicial act.

In order to be granted absolute immunity, a Judge must also act within his jurisdiction. State courts are courts of general jurisdiction. A state Judge has jurisdiction over matters arising in the state in which he presides. Defendant Judge Murphy presides in Pennsylvania. The alleged stop sign violation occurred in Pennsylvania. Judge Murphy has jurisdiction over the matters arising from the alleged stop sign violation since the incident occurred in Pennsylvania, the state in which he presides.

Defendant Judge Murphy is immune from liability since he had jurisdiction over the alleged stop sign violation and was performing a judicial act.

Judicial immunity is immunity from suit, not just from ultimate assessment of damages. Mireles v. Waco, 502 U.S. 9, 112 S.Ct. 286, 116 L.Ed.2d 9 (1991). Mitchell v. Forsyth, 472 U.S. 511, 526 (1985). Defendant Judge Murphy's actions were immune from suit and he is hence not subject to the assessment of damages in the present case. The court hence grants Defendant Murphy's Motion to Dismiss and no damages may be assessed against Defendant Judge Murphy in the current case. An appropriate order follows.

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	:	
	:	
City of Chichester et al,	:	
	:	
Defendants.	:	

ORDER

Presently pending is Defendant Judge Murphy's Motion to Dismiss and the Brief in Opposition thereto. **AND NOW** this _____ day of October 2005 upon consideration of Plaintiff's Motion to Dismiss, **IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss, is **GRANTED**.

BY THE COURT:

CLIFFORD SCOTT GREEN, S.J.

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ORDER

_____Presently pending is Plaintiff’s Motion to Expand Discovery and To Alter the Limits of Interrogatories Against Defendants. **AND NOW** this _____ day of October, 2005, upon consideration of Plaintiff’s Motion to Expand Discovery and To Alter the Limits of Interrogatories Against Defendants, **IT IS HEREBY ORDERED** that Plaintiff’s Motion to Expand Discovery and To Alter the Limits of Interrogatories Against Defendants, is **DENIED**. The Plaintiff has failed to demonstrate that the likely benefit of the proposed discovery outweighs its burden, taking into account the needs of the case, as required under the Federal Rules of Civil Procedure, Rule 26(b)(2).

BY THE COURT:

CLIFFORD SCOTT

GREEN, S.J.

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	:	
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ORDER

_____ Presently pending is Plaintiff's Motion to Compel and the reply in opposition thereto. **AND NOW** this _____ day of October, 2005 upon consideration of Plaintiff's Motion to Compel, **IT IS HEREBY ORDERED** that Plaintiff's Motion to Compel, is **DENIED**. Plaintiff has failed to demonstrate that the interrogatories are reasonably calculated to lead to the discovery of admissible evidence, as required under the Federal Rules of Civil Procedure, Rule 26(b)(1).

BY THE COURT:

GREEN, S.J.

CLIFFORD SCOTT