

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

MONROE E. BULLOCK : CIVIL ACTION  
: :  
v. : :  
: :  
MICHAEL KUNZ and JOHN DOE : NO. 04-06026-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

June 20, 2005

Plaintiff, Monroe E. Bullock, is serving a life sentence imposed by my late colleague, the Honorable James McGirr Kelly, in case No. 95-cr-296. He appealed his conviction, but the Court of Appeals affirmed. Over the years, Mr. Bullock has persisted in filing various documents in this court, including unsuccessful collateral attacks upon his conviction and sentence, and various supplemental filings.

In the present case, Mr. Bullock is suing the Clerk of Court and an unnamed employee of the Clerk's Office, seeking millions of dollars in damages. The gist of his complaint, apparently, has to do with what occurred after Judge Kelly dismissed one of his filings (entitled "Pro Se Motion for Leave to Supplement Independent Action for Relief from Judgment Pursuant to Federal Rule of Civil Procedure 15(d) with Supplement Claims"). Judge Kelly dismissed it without prejudice because it was not accompanied by a certificate of service, as he had previously ordered. On July 19, 2004, plaintiff mailed another

copy of that motion, accompanied by the required certificate of service. Instead of docketing that item, the "John Doe" deputy clerk simply forwarded it to Judge Kelly's chambers. Plaintiff seems to believe that the alleged failure to docket that item was a clear violation of his constitutional rights. Actually, however, filing a document in the Judge's chambers amounted to a filing of that document; and, more important, Judge Kelly ruled on the motion on the merits (dismissing it, for obvious reasons).

Government counsel, on behalf of the defendant Kunz, has filed a motion to dismiss, pointing out, among other things, that the complaint has never been properly served on the United States Attorney or on the Attorney General; that the defendants are immune (in their personal capacities) and cannot successfully be sued in their official capacities. The motion to dismiss also contends that the complaint fails to state a claim.

I agree with all of these contentions. This case will be dismissed with prejudice, as legally frivolous.

An Order follows.

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	:	
MICHAEL KUNZ and JOHN DOE	:	NO. 04-06026-JF

ORDER

AND NOW, this 20th day of June, 2005, IT IS  
ORDERED:

That this action is DISMISSED with prejudice, as  
legally frivolous.

BY THE COURT:

/s/ John P. Fullam  
John P. Fullam, Sr. J.