

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

KARIM A. TALIB : CIVIL ACTION
 :
 v. :
 :
 JUDGE EDWARD R. SUMMERS, et al. : NO. 97-5292

M E M O R A N D U M

PADOVA, J.

OCTOBER , 1997

Plaintiff, Karim A. Talib, has filed a pro se 42 U.S.C. § 1983 civil rights complaint against Judge Edward R. Summers, the Philadelphia Department of Human Services, and the Philadelphia Department of Welfare. Plaintiff alleges that while he was incarcerated a hearing was held "without petitioner being present . . . which has resulted in petitioner being denied visits with his own daughter until January 8, 1998." Plaintiff does not state what form of relief, if any, he is seeking.

With his complaint, plaintiff filed a request for leave to proceed in forma pauperis. As it appears he is unable to pay the cost of commencing this action, leave to proceed in forma pauperis is granted. However, for the reasons which follow, the complaint will be dismissed as legally frivolous pursuant to 28 U.S.C. § 1915(e).

Plaintiff's claim against Judge Edward R. Summers must be dismissed because judges have absolute immunity from § 1983 actions seeking money damages for actions performed in their

judicial capacity. Stump v. Sparkman, 435 U.S. 349 (1978); Mireles v. Waco, 502 U.S. 9 (1991). Judges are not immune from § 1983 actions for declaratory or injunctive, rather than monetary, relief. Pulliam v. Allen, 466 U.S. 522 (1984). However, plaintiff can only obtain equitable relief under § 1983 if he demonstrates: 1) an inadequate remedy at law; and 2) irreparable injury which is "both great and immediate." Pulliam, 466 U.S. at 537 & n.17 (quoting Younger v. Harris, 401 U.S. 37, 46 (1971)). Plaintiff has not made such a demonstration, nor has he requested any form of equitable relief.

As for plaintiff's claims against the Philadelphia Department of Human Services and the Philadelphia Department of Welfare, municipal liability cannot be imposed absent an allegation that unlawful actions were taken pursuant to a municipality's policies, practices, customs, regulations or enactments. Monell v. Department of Social Services, 436 U.S. 658 (1978). No such allegation has been made in this complaint.

For the reasons set forth, plaintiff's complaint is dismissed as legally frivolous pursuant to 28 U.S.C. § 1915(e). An appropriate order follows.

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

KARIM A. TALIB : CIVIL ACTION
 :
 v. :
 :
 JUDGE EDWARD R. SUMMERS, et al. : NO. 97-5292

O R D E R

AND NOW, this day of October, 1997, in accordance
with the accompanying memorandum filed this date,

IT IS ORDERED that:

1. Leave to proceed in forma pauperis is GRANTED
pursuant to 28 U.S.C. § 1915; and

2. The complaint is DISMISSED as frivolous pursuant to
28 U.S.C. § 1915(e).

BY THE COURT:

JOHN R. PADOVA, J.