

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION**

DAVID L. BENTON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:14-cv-57-SEB-WGH
)	
DANIEL E. MOORE,)	
<i>Clark Circuit Court #1,</i>)	
)	
Defendant.)	
)	

Entry Dismissing Complaint and Directing Further Proceedings

I.

The plaintiff's motion to proceed *in forma pauperis* [dkt 2] is granted.

II.

The complaint is now subject to the screening requirement of 28 U.S.C. ' 1915(e)(2). This statute directs that the court dismiss a complaint or any claim within a complaint which "(1) is frivolous or malicious; (2) fails to state a claim upon which relief may be granted; or (3) seeks monetary relief from a defendant who is immune from such relief." *Id.*

As a result of the foregoing screening, the complaint must be **dismissed**. This is because the plaintiff is suing a state judge regarding actions taken in the court of state court proceedings. The judge has immunity from suit in this situation. *See Stump v. Sparkman*, 435 U.S. 349, 359 (1978) *Mireles v. Waco*, 502 U.S. 9, 11 (1991)("Judicial immunity is an immunity from suit, not just from ultimate assessment of damages.").

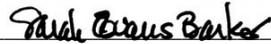
The plaintiff shall have **through August 6, 2014**, in which to show cause why Judgment consistent with this Entry should not issue. *See Luevano v. Wal-Mart Stores, Inc.*, 722 F.3d 1014, 1022 (7th Cir. 2013) (“Without at least an opportunity to amend or to respond to an order to show cause, an IFP applicant’s case could be tossed out of court without giving the applicant any timely notice or opportunity to be heard to clarify, contest, or simply request leave to amend.”)

IT IS SO ORDERED.

Date: 07/08/2014

Distribution:

David L. Benton
629 Madelon Court
P.O. Box 983
Jeffersonville, IN 47131



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana