

[Cite as Moore v. Supreme Court of Ohio, 2002-Ohio-6206.]

IN THE COURT OF CLAIMS OF OHIO

LARHONDA L. MOORE	:	
511 15th Avenue	:	
Middletown, Ohio 45044	:	Case No. 2002-06260-AD
Plaintiff	:	MEMORANDUM DECISION
v.	:	
OHIO SUPREME COURT	:	
Defendant	:	

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For Defendant: Rene L. Rimelspach
Assistant Attorney General
Ohio Attorney General's Office
Chief Counsel's Staff
30 East Broad Street-16th Floor
Columbus, Ohio 43215-3428

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FINDINGS OF FACT

{¶1} 1) On June 26, 2002, plaintiff, Larhonda L. Moore, filed a complaint against defendant, The Ohio Supreme Court. Plaintiff seeks to sue the court for dismissing her writ of mandamus and for alleged violations of her constitutional rights. Plaintiff did not submit an affidavit of indigency or the filing fee with her complaint.

{¶2} 2) On July 16, 2002, plaintiff submitted a motion to proceed in forma pauperis;

{¶3} 3) On July 16, 2002, plaintiff filed a motion to request. Plaintiff seeks "Transcript of all Docket and Journal Entries, Transcript of proceedings, Police log of daily events (1-26-98 through 1-30-98), 911 & Police call records, Court reports

and tapings (video &/or cassettes) of all court sessions pertaining to this above mentioned case." This information is not relevant to rendering a decision in this case.

{¶4} 4) On August 26, 2002, defendant filed an investigation report. Defendant asserts plaintiff's case should be dismissed since she has failed to state a claim upon which relief can be granted. Defendant indicated the Supreme Court and its Justices have absolute immunity in both their official and personal capacities for decisions rendered from the bench.

{¶5} 5) Plaintiff has not responded to defendant's investigation report.

CONCLUSIONS OF LAW

{¶6} 1) Judges have absolute immunity from suits for damages because of the special nature of their responsibilities. *Bradley v. Fisher* (1872) 13 Wall 335. *Imbler v. Pachtman* (1979), 424 U.S. 409.

{¶7} 2) Under Ohio law, judges are absolutely immune from civil liability for actions taken in their judicial capacity when jurisdiction is proper. *Kelly v. Whiting* (1985), 17 Ohio St. 3d 91.

{¶8} 3) Constitutional and Section 1983, Title 42 U.S. Code claims are not actionable in the court of claims. *Bleicher v. Cincinnati College of Med.* (1992), 78 Ohio App. 3d 302, 604 NE 2d 783.

{¶9} 4) Plaintiff has failed to state a cause of action upon which relief can be granted.

{¶10} Having considered all the evidence in the claim file and adopting the memorandum decision concurrently herewith;

{¶11} IT IS ORDERED THAT:

{¶12} 1) Plaintiff's motion to proceed in forma pauperis is GRANTED;

{¶13} 2) Plaintiff's motion to request is DENIED;

- {¶14} 3) Plaintiff's case is DISMISSED;
- {¶15} 4) Court costs are assessed against plaintiff.

DANIEL R. BORCHERT
Deputy Clerk

DRB/laa
10/15
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