



How To Possibly Sue a Judge

Note: this information was submitted by a Constitutional Attorney years ago who since has said this rarely works anymore. One must keep in mind that we are not a country of laws anymore.

We are a country where laws are creatively interpreted. This means you can go in with all the case law on point A and the court will decide the case on point D, Section 3B. The courts routinely back pedal on deciding cases that go against the status quo, especially in the cases involving judicial immunity. This is not intending to discourage you from seeking relief - just know many times the relief you get will be the embarrassment and publicity you bring to the wrongdoer. If

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routinely back pedal on deciding cases that go against the status quo, especially in the cases involving judicial immunity. This is not intending to discourage you from seeking relief - just know many times the relief you get will be the embarrassment and publicity you bring to the wrongdoer. If Everyone Did This Every Time They Experienced Legal Misconduct We Would Not Be In This Mess.

Has a judge violated your constitutional rights? Have you been discriminated against by being treated differently than other people in similar situations by reason of race, religion, national origin, gender, sexual preference or political opinion? Have you lost certain rights without a meaningful hearing or even an opportunity to be heard?

Have you been deprived of any other

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Have you been deprived of any other constitutional protection? Have you been subject to Court action for the purpose of intimidating you from exercising an opinion, or practicing your faith? Don't let them get away with it.

Although it is almost impossible to recover monetary damages from a judge (unless you can prove he or she acted ultra-vires beyond his or her legal jurisdiction) it is in fact possible to obtain relief in equity against a judge through civil rights actions. Equitable relief includes:

- declaratory relief - (rulings by another judge in the form of opinions establishing the constitutionality or lack of constitutionality of another judges

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- declaratory relief - (rulings by another judge in the form of opinions establishing the constitutionality or lack of constitutionality of another judges actions.)
- injunctive relief - a command or order to do something or refrain from doing so.

As a general rule, however, judges cannot be held liable for money damages for acts done in the exercise of his judicial function, within the limits of his jurisdiction, no matter how erroneous, illegal or malicious his acts may be. (48A Corpus Juris Secundum §86) A minority of decisions have held that if an inferior judge acts maliciously or corruptly he may incur liability. *Kalb v. Luce*, 291 N.W. 841, 234, WISC 509.

Federal Civil Rights statutes, and

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Federal Civil Rights statutes, and possibly [Bivens actions](#), appear to offer the best path for redressing constitutional grievances with state and federal judges, respectively, in Federal Court. As a practical matter, such cases will usually be brought by pro se litigants. Neither the politics nor economics of law practice permits lawyers to pursue such cases nor makes them affordable except to a small elite of citizens.

However, lawyers who do successfully sue state judges in federal court in Title 42 U.S. Code § 1983 cases can recover attorney's fees from judicial defendants provided they can show time sheets kept contemporaneously with their work.

The most important step you have to take in beginning your lawsuit is in

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The most important step you have to take in beginning your lawsuit is in writing the complaint that will be conforming to the Federal Rules of Civil Procedure (available in every Government Bookstore or from the Government Printing Office in Washington, DC.)

Properly drafted complaints need not be prepared by a lawyer. All that is required is a very fundamental understanding of a few basic constitutional principles and a typewriter and paper. Handwritten complaints can also be filed in court.

Each federal court publishes its own local rules which can impose some additional requirements, but essentially there are only a handful of things you need to know.

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1. Each complaint has a caption reading "United States District Court, District of (name the jurisdiction e.g. Southern New York or Eastern California.)"

2. Each complaint includes a caption indicating the name of the plaintiff, and the name of the defendant. The words "individually and in his official capacity" should appear after the name of the defendant judge. The words "Verified Complaint" should appear on the right side of the caption. Your caption should appear like this:

United States District Court
District of (State)
Civil Docket No. _____

John Doe,
Plaintiff

VS.

VERIFIED COMPLAINT

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United States District Court

District of (State)

Civil Docket No. _____

John Doe,

Plaintiff

vs.

VERIFIED COMPLAINT

Bobby Roe,

individually and in his/her official capacity as Justice of the Superior Court) of [*****] County,

Defendant

A couple of spaces below, you must begin to spell out your reasons for bringing your complaint to Court. Make an outline of your case. First, state your "Jurisdictional Basis" in Paragraph I. I usually write as follows:

JURISDICTIONAL BASIS

I. Plaintiff claims federal jurisdiction

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JURISDICTIONAL BASIS

I. Plaintiff claims federal jurisdiction pursuant to Article III § 2 which extends the jurisdiction to cases arising under the U.S. Constitution. Next you should write Paragraph II stating the precise Statutory Authority why you brought the case. If you are suing a state judge, you will state:

II. Plaintiff brings this suit pursuant to Title 42 U.S. Code § 1983 for violations of certain protections guaranteed to him by the First, Fifth, Eighth, Ninth and Fourteenth Amendments (select which apply) of the federal Constitution, by the defendant under color of law in his/her capacity as a judge in the Superior Court of (***) County.

If you are suing a federal judge, state:

"Plaintiff brings this action against

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"Plaintiff brings this action against (name), a federal judicial officer, pursuant to Title 28 U.S. Code § 1331, in claims arising from violations of federal constitutional rights guaranteed in the (fill in) amendments to the U.S. Constitution and redressable pursuant to [Bivens v. Six Unknown Narcotics Agents](#) 403 U.S. 388 (1971)."

Be aware that the issue of whether federal judicial officers can in fact be sued under this authority is unresolved, but my opinion is that there is a strong implication in the affirmative based on the language in many cases.

Your complaint should then have a section entitled "Parties". The next two paragraphs would read:

III. Plaintiff (Your name) is a natural person residing at (Your address),

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(County), (State).

IV. Defendant is a Judge presiding at
(fill in.)

Following this you must now describe your claim in detail, giving legal and factual basis for your case. This portion of the case is entitled "Statement of Case"

What kind of factual pattern would give rise to a successful claim under the federal civil rights law? Title 42 U.S. Code § 1983 reads as follows:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the

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Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

The burden of proof is upon the plaintiff to show that the defendant judge acted unconstitutionally or outside of his/her jurisdiction. If the judge engaged in an egregious discrimination against males in a divorce court, minorities in state criminal cases, members of an unpopular religious group in confrontation with government authorities and treated suspiciously in court or members of a "fringe" political group, these situations can give rise to a claim of denial of equal protection under the Fourteenth Amendment.

If a judge permits an ex parte attachment, i.e. seizure of real estate

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If a judge permits an ex parte attachment, i.e. seizure of real estate without giving you notice of a hearing in a state court proceeding, this is a deprivation of property without due process, violating the Fifth Amendment as well as the Fourteenth Amendment.

Ex parte restraining orders forcing men or women out of their homes based on abuse allegations in state courts are a primary and rampant example of violations of constitutional rights today, and certainly actionable in federal court.

The first ten amendments of the Bill of Rights are self explanatory. Violations of any of the rights described in these amendments give rise to causes of action, both against state judges under Title 42 U.S.C. § 1983 and arguably against federal judges in [Rivens](#)

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Pro se litigants should give a clear and concise description of what happened in chronological order, identifying the judge, the date, time, and place of his or her action, and specifying which acts violated which constitutional amendments.

The complaint finishes with a section entitled "Prayer for Relief." In such a case you can ask for an injunction ordering another judge to do something, or to refrain from doing

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something. Successful use of these suits has been made to nullify attachments, end incarcerations, declare laws or court practices unconstitutional and scare the heck out of black robed tyrants with gavels. See Pulliam v. Allen, 466 U.S. 522 (1983).

I often phrase my prayers for relief as follows:

Wherefore plaintiff prays this Court issue equitable relief as follows:

1. Issue injunctive relief commanding defendant to . . .
2. Issue declaratory relief as this Court deems appropriate just.
3. Issue other relief as this Court deems appropriate and just.
4. Award plaintiff his costs of litigation.

Respectfully submitted

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4. Award plaintiff his costs of litigation.

Respectfully submitted,

(Your signature)

Your name printed

Your address

City, State, Zip Code

Telephone No.

Statement of Verification

I have read the above complaint and it is correct to the best of my knowledge.

Your signature

Complaints are filed in the Civil Clerk's Office in the United States District Court for your district.

Federal rules now allow for service of process by certified mail. You will be required to serve the defendant judge and also your state attorney general if

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Federal rules now allow for service of process by certified mail. You will be required to serve the defendant judge and also your state attorney general if you are suing a state judge.

The pro se road will be easier if you study the Federal Rules of Civil Procedure, obtain a Black's Law Dictionary and familiarize yourself with legal research methods. You must also read the Local Rules of the Federal Court where you are suing, and learn Constitutional law fast.

Using a lawyer as a coach is helpful. Bear in mind that your lawsuit is disfavored because it is against a judge. Nevertheless, our system of "justice" is in such tough shape that suits against judges are a socio-political necessity.