

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GORDON WAYNE WATTS, Individually and)	
on behalf of similarly situated persons,)	
)	
Plaintiffs,)	Case No. 19-cv-3473
)	
v.)	Judge Robert M. Dow, Jr.
)	
CIRCUIT COURT OF COOK COUNTY;)	
HON. JAMES P. FLANNERY, JR.; HON.)	
DIANE M. SHELLEY; HON. MICHAEL F.)	
OTTO; APPELLATE COURT OF ILLINOIS,)	
FIRST DISTRICT; HON. DANIEL J. PIERCE;)	
HON. MARY L. MIKVA; HON. JOHN C.)	
GRIFFIN; HON. MARY ANNE MASON;)	
HON. MICHAEL B. HYMAN; and HON.)	
CARL ANTHONY WALKER,)	
)	
Defendants.)	

ORDER

Plaintiff's financial affidavit indicates that his income and resources are below the federal poverty line as set out in the Guidelines promulgated by the U.S. Department of Health and Human Services. Therefore, his motion for leave to proceed *in forma pauperis* [2] is granted. Plaintiff's motion for leave to file an oversized document [4] also is granted. However, as explained below, Plaintiff's complaint is dismissed with prejudice as (1) all of the named individual Defendants have absolute judicial immunity from suits complaining about their judicial actions, and (2) the Illinois Circuit and Appellate Courts are not suable entities. And given that disposition on the merits, Plaintiff's motion for preliminary injunction [3], Plaintiff's motion to appoint counsel [5], and Plaintiff's motion for leave to file via CM/ECF [6] are all denied as moot. A final judgment will be entered and this case will be closed. Civil case terminated.

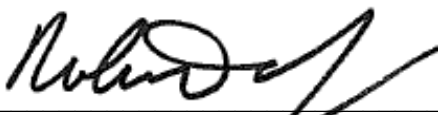
STATEMENT

Plaintiff Gordon Wayne Watts originally brought this action in the United States District Court for the Middle District of Florida. The case was transferred to this Court on May 23, 2019. Plaintiff purports to represent a class of similarly situated individuals and has named as Defendants three Cook County Circuit Judges and six Justices of the Illinois Appellate Court. According to the caption, each Defendant is sued in both his or her individual and official capacities. The forty-page complaint alleges that the judges violated the Constitution and federal civil rights laws through various rulings relating to a property dispute involving a friend of Plaintiff's named

Richard Daniggelis (who is listed as a “class plaintiff”). Each of the challenged actions by the Defendants relates to judicial rulings as to which Plaintiff vigorously disagrees.

Plaintiff’s complaint suffers from two major defects, one of which is fatal to the entire action. As an initial matter, it is well settled that “one pro se litigant cannot represent another.” *Nocula v. UGS Corp.*, 520 F.3d 719, 725 (7th Cir. 2008). Accordingly, at a minimum Plaintiff’s class allegations would need to be dismissed. In addition, to the extent that Plaintiff seeks to advance claims on behalf of Mr. Daniggelis (or any other individual other than himself), Plaintiff may not do so. Beyond that, however, there is a more fundamental flaw in the complaint. Each and every individual named Defendant is a judicial officer and the acts complained of involve judicial actions—either rulings made or not made in connection with the disposition of cases. “A judge has absolute immunity for any judicial actions unless the judge acted in the absence of all jurisdiction.” *Polzin v. Gage*, 636 F.3d 834, 838 (7th Cir. 2011); see also *Pierson v. Ray*, 386 U.S. 547, 554 (1967) (“immunity applies even when the judge is accused of acting maliciously and corruptly”). The complaint does not allege lack of jurisdiction in the state courts. It is therefore evident from the face of the complaint that all of the individual Defendants possesses absolute immunity from suit for the acts detailed in the complaint. Plaintiff’s claims against the individual judge Defendants must be dismissed with prejudice. See *Koorsen v. Dolehanty*, 401 F. App’x 119, 120 (7th Cir. Oct. 29, 2010) (a dismissal on the grounds of absolute judicial immunity “is a decision on the merits and should have been with prejudice”). Finally, both the Circuit Court and the Appellate Court must be dismissed as Defendants, as they are not suable entities; rather, they are instrumentalities of the State of Illinois immune from suit under the Eleventh Amendment—and not suable in any event as “persons” within the meaning of 42 U.S.C. § 1983. See, e.g., *Jackson v. Bloomfield Police Dep’t*, 2018 WL 5297819, at *2 (E.D. Wis. Oct. 25, 2018), *aff’d*, 764 Fed. Appx. 557 (7th Cir. Apr. 23, 2019); *Dyer-Webster v. Dent*, 2015 WL 6526876, at *3 n.2 (N.D. Ill. Oct. 28, 2015).

Dated: May 31, 2019


Robert M. Dow, Jr.
United States District Judge