



# Federal *Pro Se* Clinic

## CENTRAL DISTRICT OF CALIFORNIA: WESTERN DIVISION

### ▣ Can I Sue a Judge? ▣

Generally, **NO**. There is a doctrine called **judicial immunity** that prevents most lawsuits against judges when they are acting in their judicial capacity.

#### Judicial Immunity

Judges have absolute immunity for actions they take in their judicial capacity. This means that judges are not individually liable for the judicial acts they perform, including the decisions that they make in court.

If a judge made a decision that you disagree with, filing an appeal may be the proper course of action.

**Judicial Immunity:** If you would like more information on the doctrine of judicial immunity, consult *American Jurisprudence*, 46 Am. Jur. 2d Judges § 61, and *Stump v. Sparkman*, 435 U.S. 349 (1978).

#### Appealing a Judge's Decision

If you disagree with a judge's decision you may have the right to appeal the decision in the appropriate court.

There are very strict time limits for filing an appeal. To learn more about appeals, visit the following websites:

#### **Federal**

- Ninth Circuit, [www.ca9.uscourts.gov/](http://www.ca9.uscourts.gov/)
- Information for Pro Se Appellants, <https://www.ca9.uscourts.gov/forms/pro-se-litigants/>

#### **State (California)**

- Civil Appeals, <http://www.courts.ca.gov/selfhelp-appeals.htm>
- Criminal Appeals, <http://www.courts.ca.gov/1069.htm>

#### Filing a Grievance

You can also file a judicial misconduct complaint. To download a complaint form and review the rules and procedures for filing a complaint against a federal or California state judge visit the following websites:

#### **Federal**

- Ninth Circuit form, <https://www.ca9.uscourts.gov/misconduct/guidelines/>

#### **State**

- Commission on Judicial Performance, <http://cjp.ca.gov/>

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Open on most Mondays, Wednesdays, and Fridays. By appointment only.

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