

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:13-cv-978-HTW-LRA

CITY OF MERIDIAN, et. al.

DEFENDANT

MEMORANDUM OPINION AND ORDER

Before this Court is a Motion to Dismiss based on the Doctrines of *Rooker-Feldman* and absolute judicial immunity [Docket No. 58] filed on November 25, 2014 by Defendants Judge Frank Coleman and Judge Veldore Young (“Judges”). On November 28, 2014, Defendant Lauderdale County, Mississippi (“Lauderdale County”) joined in this Motion to Dismiss, contending that it, too, under the motion should be dismissed from this action since its juridical fate is inextricably intertwined with that of the judges. These three parties are the only remaining Defendants (collectively, “Defendants”) in this matter¹.

The Plaintiff herein is the United States of America, which commenced this action in this court in 2013, naming as Defendants the City of Meridian, Lauderdale County, Judge Frank Coleman, Judge Veldore Young, the State of Mississippi, the Mississippi Department of Human Services, and the Mississippi Division of Youth Services. The stated aim of this litigation, proclaims the United States, is to eliminate a pattern or practice of conduct in violation of juveniles’ constitutional rights, privileges or immunities by the Defendants. The United States

¹ During the course of this litigation, the Court held a number of hearings toward settlement in this matter. Many parties did settle, and the Court appointed a monitor to oversee the settlement involving the Police Department and the School District. The Court selected a monitor and received reports conducted under the watchful eye of the monitor. Then, during this time, inasmuch, the Court wondered whether any additional concerns would be raised about the involvement of the Youth Court and the Judges, this Court delayed ruling on the Judges’ motions to determine if any additional factual matters would develop.

has characterized the systematic abuses it attacks as violations of the Fourth², Fifth³, and Fourteenth⁴ Amendment rights of juveniles subject to jurisdiction of the Lauderdale County Youth Court.

Eventually, pursuant to settlement negotiations, approved and sometimes facilitated by this court, most of the parties reached a compromise and settled their differences with solutions to be monitored by this court.

The judges herein and Lauderdale County, which endorses the judges' position in their motion, have refused to accede to the demands contained in the United States' complaint against them; here, these judge defendants, championing the doctrines of *Rooker-Feldman* and absolute judicial immunity, campaign for a complete dismissal of all accusations against them buried in the United States' complaint.

On an earlier day, this court permitted oral arguments on the relevant jurisprudence and additional briefing submitted by all parties. Now, this court issues its ruling and hereby GRANTS Defendants' Motion to Dismiss.

JURISDICTION

Federal question subject matter jurisdiction attaches pursuant to 28 U.S.C. § 1331⁵, which provides that “[t]he district courts shall have original jurisdiction of all civil actions arising under

² U.S. Const. amend. IV: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

³ U.S. Const. amend. V: No person. . . shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

⁴ U.S. Const. amend. XIV: Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

⁵ 28 U.S.C. §1331: The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

the Constitution, laws, or treaties of the United States.” This Court also exercises jurisdiction over this matter herein pursuant to 28 U.S.C. § 1345⁶, which states that district courts shall exercise jurisdiction over civil proceedings initiated by the United States.

The United States additionally asserts its authority to bring this suit against Defendants under 42 U.S.C. § 14141. This statute authorizes the Attorney General, for or in the name of the United States, to bring a civil action for declaratory and equitable relief to eliminate a pattern or practice “by officials or employees of any governmental agency with responsibility for the administration of juvenile justice or the incarceration of juveniles that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.”

FACTS

On October 24, 2012, the United States of America filed suit against then-Defendants City of Meridian; County of Lauderdale; Judge Frank Coleman, in his official capacity; Judge Veldore Young, in her official capacity; State of Mississippi; Mississippi Department of Human Services; and Mississippi Division of Youth Services. Pl.’s Compl. at 1. Currently, the only remaining Defendants in this matter are Judge Young, Judge Coleman, and the County of Lauderdale.

On December 1, 2011, the Department of Justice (“DOJ”) notified the City of Meridian and the Lauderdale County Youth Court of its investigation into alleged unconstitutional practices. On June 29, 2012, the DOJ notified the State of Mississippi of the expansion of its investigation to include the Division of Youth Services, in relation to the administration of juvenile justice in Lauderdale County. *Id.* The DOJ also claimed that Defendants had denied them access to youth records from the Meridian Police Department, the Lauderdale County

⁶ 28 U.S.C. §1345: Except as otherwise provided by Act of Congress, the district courts shall have original jurisdiction of all civil actions, suits or proceedings commenced by the United States, or by any agency or officer thereof expressly authorized to sue by Act of Congress.

Youth Court, and the Mississippi Division of Youth Services. The DOJ further accused the defendants of denying DOJ personnel access to youth court proceedings and contact with juvenile detention center personnel. *Id.* at 3, 4.

On August 10, 2012, the DOJ notified Defendants and their attorneys in a letter that it had determined that Defendants were violating the constitutional rights of children in Meridian and Lauderdale County. Defendants were put on notice that the United States would file a federal lawsuit against Defendants within 60 days, unless Defendants engaged in meaningful negotiations in that time to resolve the alleged violations. *Id.* at 4. All Defendants issued a letter dated August 23, 2012 denying all allegations, and on September 11, 2012, the State Defendants (State of Mississippi, Mississippi Department of Human Services, Mississippi Division of Youth Services) issued a letter stating that the Division of Youth Services had made unspecified changes in its general prohibition policies. These submitted changes did not resolve the dispute, in the eyes of the DOJ.

After repeated letters back and forth from all parties reiterating DOJ findings of alleged constitutional violations and Defendants' assertions of various policy changes, DOJ sought federal court intervention and filed this lawsuit.

The United States' lengthy complaint sectioned its accusations against the respective defendants. This court will not summarize the United States' accusations against the other defendants, but will do so with regard to the three defendants urging the motion to dismiss.

The judges herein preside over youth court in Lauderdale County, Mississippi. Elected by local popular vote, they serve a term of four years. At youth court, they preside over proceedings involving youth under the age of eighteen. Those proceedings embrace matters concerning a delinquent child, a child in need of supervision, a neglected child, an abused child, or a

dependent child. A Youth Court Judge, when adjudicating the behavior of a delinquent, is empowered to hold a disposition hearing in order to determine treatment and rehabilitation of the delinquent child. Youth Court proceedings are not open to the general public, although parents and guardians may attend. Pertinent state statutes proclaim that the in-court youth must be afforded basic constitutional rights, to wit: all parties have the right to be represented by counsel during all proceedings and shall be informed of that right. Miss. Code Ann. § 43-21-201(1); any incriminatory information obtained from a child in conjunction with these proceedings shall not be admitted against the child on the issue of whether the child committed a delinquent act under the Youth Court Act or on the issue of guilt in any criminal proceedings. Miss. Code Ann. § 43-21-207. In its complaint, the United States challenges whether the above judges actually accorded basic rights to the youth before them.

The United States' complaint alleges that the targeted juvenile justice system, of which the above judges were (and, are) an integral part, failed generally to afford youth the minimal procedural safeguards required by the United States Constitution, namely by the Fourth⁷, Fifth⁸, and Fourteenth⁹ Amendments. More specifically, the United States' complaint contends that these defendants, as part of the juvenile justice system, failed to afford youth before them legal safeguards which would enable the youth to understand and respond meaningfully to the charges

⁷ The Fourth Amendment to the United States Constitution guarantees "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." U.S. Const., Amend. IV.

⁸ The Fifth Amendment to the United States Constitution guarantees "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." U.S. Const., Amend. V.

⁹ The Fourteenth Amendment to the United States Constitution guarantees "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." U.S. Const., Amend. XIV.

and be allowed to access an alternative route to incarceration and/or probation. According to the United States' complaint, these youths are discriminatorily hailed into youth court, without benefit of counsel, without a true understanding of the charges, without comprehension of defense resources, all the while being exposed to disproportionate and severe consequences, including incarceration for minor, technical violations which should be handled at schools under school discipline or suspensions.

PLAINTIFF'S REQUEST FOR RELIEF

The United States has asserted that the Defendants herein help operate a "school-to-prison pipeline" by arresting, adjudicating, and incarcerating children for school infractions without exercising appropriate discretion and without regard for their obligations under the United States Constitution. Pl.'s Compl. at 9. The United States describes this alleged cycle as follows:

"MPD [Meridian Police Department] automatically arrests all students referred to MPD by the District, [which] employs a system of severe and arbitrary discipline that disproportionately impacts black children and children with disabilities . . . the children arrested by MPD are then sent to the County juvenile justice system, where existing due process protections are illusory and inadequate . . . The Youth Court places children on probation, and the terms of the probation set by the Youth Court and DYS [Department of Youth Services] require children once on probation to serve any suspensions from school incarcerated in the juvenile detention center. Once Defendants-collectively, the administrators of the juvenile justice system- place a child from the District in this cycle, he or she is repeatedly subjected to unconstitutional government action and potential incarceration without procedural safeguards. The Youth Court Judges, who are responsible for ensuring that children are treated in accord with constitutional and legal guarantees of fairness and neutrality, acknowledge this cycle, including the over-referral of children from the District to the Lauderdale County juvenile justice system, but aver that their "hands are tied" and they are powerless to change the system." *Id.* at pp. 9, 10.

Plaintiff's exhaustive prayer for relief requests that the Court:

- a.) Enter a judgment declaring that Defendants' policies, procedures, practices, and patterns of conduct, as alleged herein, violate the Fourth,

Fifth, and Fourteenth Amendments to the United States Constitution, and 42 U.S.C. §14141;

- b.) Enter an order permanently enjoining Defendants from subjecting children under their jurisdiction and supervision from the unconstitutional and unlawful policies, procedures, practices, and patterns of conduct described above;
- c.) Enter an order requiring Defendants to promulgate and effectuate policies that protect the constitutional rights of the children under their jurisdiction and supervision as described above;
- d.) Enter an order for equitable relief including, but not limited to, the creation of alternatives to detention and juvenile justice processes for children, and review and expungement of youth records and provisions of supports for children who have been harmed by Defendants' pattern or practice of constitutional violations, as alleged herein;
- e.) Retain jurisdiction of this case until Defendants have fully complied with all orders of this Court, and there is a reasonable assurance that Defendants will continue to comply in the future absent continuing jurisdiction; and
- f.) Order any such additional relief as the interests of justice may require.

The alleged criticized acts of the judges targeted by the United States are all judicial in nature, performed and to be performed within the purview of their jurisdiction and official capacity of judges. Their judicial offices are created under Miss. Code Ann. § 43-21-107(2)¹⁰, which authorizes them to hold "exclusive original jurisdiction in all proceedings concerning a delinquent child, a child in need of supervision, a neglected child, an abused child, or a dependent child." Miss. Code Ann. § 43-21-151.

In its prayer for relief, the United States seeks remedies which would require the judges to perform their judicial pre-trial and post-trial activities in a manner agreeable to the United States, i.e., reviewing probable cause for arrests and detention; ensuring juveniles know their rights after arrest and when appearing before the judges; appreciating the gravity of a plea; ensuring the competency of attorneys appearing on behalf of the juvenile; sentencing the juvenile

¹⁰Miss. Code. Ann. § 43-21-107(2): A youth court division is hereby created as a division of the chancery court of each county in which no county court is maintained and any chancellor within a chancery court district shall be the judge of the youth court of that county within such chancery court district unless another judge is named by the senior chancellor of the county or chancery court district as provided by this chapter.

fairly and in consonant with the juvenile's past history, maturity and criminal behavior; tailoring sentences mindful of weighing the goals of education in a free-world school-like setting against incarcerating the juvenile in a youth facility behind bars for the safety of the community.

The United States' complaint against the defendants herein is principally powered by the Fourth, Fifth, and Fourteenth Amendments. Their guarantees and protections are oft-quoted; the right to be free from unreasonable searches and seizures, the right to be protected against self-incrimination, and the right to due process.

To constitute a violation of the Fourth Amendment, the movant must show that an arrest was made without probable cause, and therefore constituted an unreasonable seizure under the Constitution. This protection may be violated by an officer's use of excessive force during the course of an arrest, or an unlawful arrest not supported by probable cause. See *Keim v. City of El Paso*, 162 F.3d 1159, 1998 WL 792699, at *4 n. 4 (5th Cir. Nov. 2, 1998) (citing *Graham v. Connor*, 490 U.S. 386, 395, 109 S.Ct. 1865, 104 L.Ed.2d 443 (1989); *Duckett v. City of Cedar Park*, 950 F.2d 272, 278–79 (5th Cir.1992)).

The strictures of the Fifth Amendment demand proof that a person in custody must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed. Failure to prove that these measures have been taken constitutes a violation of the person's Fifth Amendment rights. *Miranda v. Arizona*, 384 U.S. 436, 444 (1966); *JDB v. North Carolina*, 564 U.S. 261, 269 (2011) ("Prior to questioning, a suspect "must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed." 384 U.S., at

444, 86 S.Ct. 1602; see also *Florida v. Powell*, 559 U.S. —, —, 130 S.Ct. 1195, 1198, 175 L.Ed.2d 1009 (2010)").

The elements of a Fourteenth Amendment violation include a showing that a person has been deprived of life, liberty, or property without due process of law. *Goss v. Lopez*, 419 U.S. 565, 579, 95 S.Ct. 729, 738, 42 L.Ed.2d 725 (1975) (at minimum, due process requires “some kind of notice and ... some kind of hearing” (emphasis in original); informal hearing required before suspension of students from public school); *United States v. Salerno*, 481 U.S. 739, 746, 107 S.Ct. 2095, 2101, 95 L.Ed.2d 697 (1987) (“So-called ‘substantive due process’ prevents the government from engaging in conduct that ‘shocks the conscience,’ ... or interferes with rights ‘implicit in the concept of ordered liberty’ ”) (quoting *Rochin v. California*, supra, at 172, 72 S.Ct., at 209–210, and *Palko v. Connecticut*, 302 U.S. 319, 325–326, 58 S.Ct. 149, 151–152, 82 L.Ed. 288 (1937)).

Before a trier of fact can reach an ultimate determination of a violation, a plaintiff in a lawsuit where immunity has been raised must first overcome that hurdle; so, now this court proceeds to a discussion of immunity.

DISCUSSION

I. The Rooker-Feldman doctrine does not apply in this case.

The *Rooker-Feldman* doctrine proclaims that United States district courts do not have jurisdiction over challenges to final state court decisions that arise out of judicial proceedings, even if those challenges involve allegations that the state court’s actions were unconstitutional. *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 44 S.Ct. 149, 68 L.Ed. 362 (1923); *D.C. Court of Appeals v. Feldman*, 460 U.S. 462, 103 S. Ct. 1303, 75 L. Ed. 2d 206 (1983). The doctrine bars district courts from reviewing claims that are “inextricably intertwined” with state court

judgments- that is, when “the District Court is in essence being called upon to review the state-court decision.” *Feldman*, 460 U.S. at 483 n. 16. The facts of the twin namesakes, *Rooker* and *Feldman*, are as follows:

Rooker involved Plaintiffs Dora and William Rooker, who lost two rounds of litigation in Indiana state courts. They then filed an action in federal district court asking the court to declare the state court judgment “null and void”, alleging that it violated their federal due process and equal protection rights. The district court dismissed for lack of jurisdiction, and the Supreme Court affirmed because: 1) under federal jurisdictional statutes, only the Supreme Court has appellate jurisdiction over final state court judgments; 2) the statutory jurisdiction of the federal district court is “strictly original”, not appellate. As a result, the Supreme Court held that federal district courts do not have subject matter jurisdiction to “reverse or modify” state court judgments.

Feldman turned on facts where the District of Columbia Court of Appeals denied Marc Feldman and Edward Hickey’s waiver applications from a bar admission rule. Feldman and Hickey then filed suit in federal district court arguing that the DC Court’s ruling violated their federal constitutional rights. The Supreme Court barred these claims, holding that they were “inextricably intertwined” with the DC Court’s decision and thereby extending the rule as applied in *Rooker* to also include claims that were not litigated in the state court, but are inextricably intertwined with the merits of the state court.

In the case *sub judice*, the United States is requesting this federal court to determine whether juveniles’ rights were violated in the state court proceedings conducted by the Defendants. This would place this district court as an appellate court to review the correctness of

the state court's rulings, which is directly prohibited by the Supreme Court under the *Rooker-Feldman* doctrine.

In response to the invocation of the *Rooker-Feldman* doctrine, the United States argues that this principle does not apply to our present case because the United States is not challenging a state court judgment entered against it. In support of this theory, the United States cites the Supreme Court's ruling in *Johnson v. DeGrandy*, where the Court interpreted the *Rooker-Feldman* as an abstention "under which a party losing in state court is barred from seeking what in substance would be appellate review of the state judgment in a United States district court, based on the losing party's claim that the state judgment itself violates the loser's federal rights." *Johnson v. DeGrandy*, 512 U.S. 997, 1006 (1994). The Court held that the *Rooker-Feldman* doctrine did not apply in that case because the United States, which invoked the doctrine, was not a party in the state court proceeding. *Id.*

The United States Supreme Court, in a more recent ruling, explicitly detailed when the *Rooker-Feldman* doctrine applies to bar action by a federal court:

"The *Rooker-Feldman* doctrine, we hold today, is confined to cases of the kind from which the doctrine acquired its name: cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments."

Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280, 284, 125 S. Ct. 1517, 1521–22, 161 L. Ed. 2d 454 (2005). The United States is not challenging a state court judgment rendered against it in federal court in our present case. Thus, the *Rooker-Feldman* doctrine does not apply.

The United States also asserts the inapplicability of the *Rooker-Feldman* doctrine by citing this Court's previous ruling that because it was not involved with a state court judgment "so inextricably intertwined" with its current claims, the doctrine does not bar its request for

federal court review. In the Court's order entered on September 4, 2013, the Court denied Defendants' previous Motion to Dismiss [Docket No. 10] and reasoned the following:

“This interest is not necessarily identical to the interests of individual children facing delinquency proceedings in state court, nor is the United States' interest so “intertwined” with such individuals so as to justify barring prospective relief to a person not a party to the challenged state actions. As in *U.S. v. Composite State Bd. of Med. Examiners, State of Georgia*, 656 F.2d 131, 134-46 (5th Cir. 1981), the United States has a separate interest in ensuring juvenile justice systems are operated in a constitutionally permissible manner, an interest and institutional role in upholding that interest that the individual juveniles do not share. The United States has an interest that transcends that of private state defendants.”

Docket No. 20, p. 3.

It is for these reasons that the Court is not convinced to grant the present motion to dismiss based on the Rooker-Feldman doctrine. The Court is, however, persuaded to dismiss the United States' claims against the Defendants pursuant to the doctrine of absolute judicial immunity, and the inapplicability of §14141 to members of the judiciary, namely, Judges Coleman and Young. The Court's analysis of these principles are described herein.

II. Absolute Judicial Immunity

Defendants claim they are protected from Plaintiffs' claims under the doctrine of absolute judicial immunity. The United States Supreme Court has held judicial immunity in high regard, recognizing the principle as “a general principle of the highest importance to the proper administration of justice” in that “a judicial officer, in exercising the authority vested in him [or her], [should] be free to act upon his [or her] own convictions, without apprehension of personal consequence to himself.” *Bradley v. Fisher*, 80 U.S. 335, 347, 20 L.Ed. 646 (1871). In more recent cases, the Supreme Court and the Fifth Circuit both have established a high bar for Plaintiffs to surpass in order to overcome judicial immunity (“Judges are immune from damage claims arising out of acts performed in the exercise of their judicial functions, even when the

judge is accused of acting maliciously.”) *Mitchell v. McBryde*, 944 F.2d 229, 230 (5th Cir. 1991) (citing *McAlester v. Brown*, 469 F.2d 1280, 1282 (5th Cir.1972); *Stump v. Sparkman*, 435 U.S. 349, 359, 98 S.Ct. 1099, 55 L.Ed.2d 331 (1978)).

Indeed, the United States Supreme Court has held that judicial immunity can be overcome only in two sets of circumstances: 1) when the actions complained of were non-judicial, i.e., actions not taken in the judge’s official capacity, and 2) when the actions complained of, though judicial in nature, were taken in the complete absence of all jurisdiction. *Mireles v. Waco*, 502 U.S. 9, 11-12 (1991) (citing *Forrester v. White*, 484 U.S., at 227-229, 108 S.Ct., at 544-545; *Stump*, 435 U.S., at 360; *Bradley*, 80 U.S. at 351.).

All claims against Defendants were judicial in nature, and were actions taken within their jurisdiction and official capacity as judges. As such, Defendants are entitled to judicial immunity from Plaintiffs’ claims.

The United States responds that judicial immunity cannot be extended to cases seeking injunctive relief, citing *Pulliam v. Allen*, 466 U.S. 522, 536 (1984). In that case, the Court refused to extend judicial immunity from monetary damages to shield a state court magistrate from liability for injunctive relief in an action brought under 42 U.S.C. §1983. The facts of that case bear reviewing: After respondents were arrested for non-jailable misdemeanors, petitioner, a Magistrate in a Virginia county, imposed bail, and when respondents were unable to meet the bail, petitioner committed them to jail. Subsequently, respondents brought an action against petitioner in Federal District Court under 42 U.S.C. § 1983, claiming that petitioner's practice of imposing bail on persons arrested for non-jailable offenses under Virginia law and of incarcerating those persons if they could not meet the bail was unconstitutional. The court agreed and enjoined the practice, and also awarded respondents costs and attorney's fees under the Civil

Rights Attorney's Fees Awards Act of 1976. Determining that judicial immunity did not extend to injunctive relief under § 1983 and that prospective injunctive relief properly had been awarded against petitioner, the Court of Appeals affirmed the award of attorney's fees.

In our present case, Plaintiffs are seeking much more than injunctive relief; the United States is asking this Court to overturn or reverse state court orders and judgments issued by the Youth Court Judges and, further, with the United States being in charge of picking and choosing which orders may be “too severe” or “too complex” for juveniles to understand. Additionally, the United States would have this Court dictate to the Youth Court when it must hold hearings, what type of hearing to hold, and what procedures the Youth Court must implement in holding those hearings. Thereafter, this United States District Court would be required to review each order by the Youth Court and determine whether the proceeding was adequate. The Youth Court Judges would be required to “promulgate and effectuate policies” acceptable to the United States and this court. The District Court would, at its pleasure, be empowered to “review” and “expunge” Youth Court orders and records, and create alternatives to detention for juveniles, as well as create alternatives to the current juvenile justice system for delinquent juveniles.

In sum, the United States wants this Court to become the direct appellate court for Youth Court proceedings, thereby creating a “take-over” of the state court procedures and systems, under the guise of providing declaratory, injunctive, and equitable relief from this Court. This request is distinguishable from the cases cited by Plaintiffs, as those cases merely reviewed requests for injunctive relief. As the actions complained of by Plaintiffs were judicial in nature and were performed by Defendants in their official capacity as judges, Defendants are entitled to judicial immunity.

III. §14141 Does Not Apply to Members of the Judiciary

The United States also attempts to overcome Defendants' judicial immunity by enlisting the statutory authority of 42 U.S.C. §14141. This statute authorizes the Attorney General, for or in the name of the United States, to bring a civil action for declaratory and equitable relief to eliminate a pattern or practice "by officials or employees of any governmental agency with responsibility for the administration of juvenile justice, or the incarceration of juveniles that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States¹¹." The United States asserts that the Youth Court Judges herein are "officials" within the meaning of the statute, and would have the Court view the Lauderdale County Youth Court as a "governmental agency" against which the United States can bring suit.

This Court is not persuaded by the United States' interpretation of the statute. The plain language of the statute clearly reads that it authorizes the United States to bring suit against "officials" or "employees of any governmental agency with responsibility. . ." This Court does not agree that these definitions include any branch of the judiciary, here being the Lauderdale County Youth Court or the Youth Court Judges. Indeed, in the Notes of Decisions accompanying the statute, the cases citing this statute as their authority involve police departments, sheriffs' offices, and boards of commissioners associated with other branches of law enforcement. State courts or other branches of the judiciary are not among these notes of decisions. This particular section of the statute itself is entitled "Part B: Police Pattern or Practice", indicating that even the legislative history of the statute was focused on its application to police departments and other

¹¹ 42 U.S.C. §14141: (a) Unlawful conduct: It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers or by officials or employees of any governmental agency with responsibility for the administration of juvenile justice or the incarceration of juveniles that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

(b) Civil action by Attorney General: Whenever the Attorney General has reasonable cause to believe that a violation of paragraph (1) has occurred, the Attorney General, for or in the name of the United States, may in a civil action obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.

branches of law enforcement, rather than members of the judiciary. Finally, the United States has admitted that there is no case law supporting this assertion of the statute against members of the judiciary, and the Court notes that the statute itself does not include judges. [Docket No. 113, p. 3]. This Court, therefore, is not persuaded by Plaintiff's assertion that the statute applies to members of the judiciary, namely, the Lauderdale County Youth Court and the Defendant Judges.

Accordingly, this Court is not persuaded by Plaintiffs' assertion that the statute applies to the Youth Court Judges, and therefore this argument in support of overcoming judicial immunity is without merit.

CONCLUSION

Upon reviewing the submitted briefs of authorities on this matter, as well as hearing oral arguments from all parties on the issues, this Court hereby GRANTS the Defendants' Motion to Dismiss [Docket No. 58] based on absolute judicial immunity and the inapplicability of Title 42 U.S.C. §14141 to members of the judiciary. The Court has noted that this ruling dismisses the only remaining defendants in this case, and therefore declares all pending motions and outstanding matters in this case to be MOOT and that this lawsuit be DISMISSED with prejudice.

SO ORDERED, this the 30th day of September, 2017.

s/ HENRY T. WINGATE
UNITED STATES DISTRICT JUDGE