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Beddini v. Dilts

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 04-4151

JANET BEDDINI

v.

THOMAS H. DILTS, P.J.S.C.

Jan Beddini,

Appellant

On Appeal From the United States District Court
For the District of New Jersey
(D.C. Civ. No. 04-cv-03526)
District Judge: Honorable Stanley R. Chesler

Submitted For Possible Dismissal Under 28 U.S.C. § 1915(e)(2)(B)
March 24, 2005

BEFORE: ALITO, McKEE and AMBRO, CIRCUIT JUDGES

(Filed June 3, 2005)

OPINION

PER CURIAM

Janet Beddini appeals the District Court's order granting appellee's motion to

dismiss. We conclude that the District Court's decision was proper, and, therefore, will dismiss this appeal pursuant to 28 U.S.C. § 1915(e).

In July 2004 Beddini filed a complaint pursuant to 42 U.S.C. §§ 1983, 1985 & 1986. She alleged that Honorable Thomas H. Dilts, Presiding Judge, Superior Court of Somerset County, New Jersey, violated her Fourteenth Amendment rights when he ruled on her motions in her family law case. Judge Dilts filed a motion to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(1), (2) and (6), which was granted by the District Court. Beddini timely appealed.

We have jurisdiction pursuant to 28 U.S.C. § 1291. We may dismiss this appeal pursuant to 28 U.S.C. § 1915(e)(2)(B) if it has no arguable basis in law or fact. Neitzke v. Williams, 490 U.S. 319, 325 (1989).

The District Court granted the motion to dismiss and concluded that Judge Dilts was absolutely immune from suit. We agree. Judge Dilts acted in his judicial capacity when ruling on the motions at issue. See Mireles v. Waco, 502 U.S. 9, 11 (1991). Beddini's claim that Judge Dilts conspired with others or acted maliciously does not alter the application of judicial immunity to this case. See Pierson v. Ray, 386 U.S. 547, 554 (1967); see, e.g., Dennis v. Sparks, 449 U.S. 24, 26-27 (1980).

For the foregoing reasons, we will dismiss Beddini's appeal pursuant to § 1915(e)(2).