

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CARL R. POWER, :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 01-689-JJF
 :
 WILLIAM GORDON and ROXANNA :
 ARSHT, :
 :
 Defendants. :

Carl R. Power, Plaintiff, pro se, Wilmington, Delaware.

James J. Hanley, Esquire of THE DEPARTMENT OF JUSTICE,
Wilmington, Delaware.
Attorney for Defendants.

MEMORANDUM OPINION

May 14, 2002
Wilmington, Delaware

FARNAN, District Judge

Pending before the Court is a Motion To Dismiss (D.I. 10) filed by the Defendants, William Gordon and Roxanna Arsht (hereinafter "Defendants"). For the reasons set forth below, Defendants' Motion To Dismiss (D.I. 10) will be granted.

I. BACKGROUND

The alleged conduct giving rise to the present claims asserted by Plaintiff, Carl R. Power (hereinafter "Plaintiff"), occurred in the 1970's and involve Plaintiff's appearance in the Family Court of the State of Delaware. From the Complaint and papers Plaintiff has filed, the Court understands Plaintiff believes that judges and employees of the Family Court committed criminal acts against him and, in various ways, violated rights that Plaintiff, like all other citizens, are guaranteed by the United States Constitution.

In 1996, Plaintiff brought similar claims in the Superior Court of the State of Delaware. On a similar application by Defendants, the Superior Court dismissed Plaintiff's claims reasoning, on several grounds, that Plaintiff had failed to state a claim. The Delaware Supreme Court affirmed by Order dated April 11, 1997.

II. DISCUSSION

By their Motion, Defendants cite several grounds in support of their request for dismissal. In response, Plaintiff opposes

dismissal and requests discovery. (D.I. 17).

After considering the arguments of the parties, the Court concludes that two legal principles prohibit Plaintiff's claims from going forward in this Court. They are the two year statute of limitations applicable to claims of the nature pled by Plaintiff, and the doctrine of judicial immunity as it pertains to claims for monetary damages.¹ Because Plaintiff complains about events that occurred far more than two (2) years before the filing date of the Complaint, Plaintiff's Complaint must be dismissed for failure to state a claim upon which relief may be granted.²

III. CONCLUSION

For the reasons discussed, the Court will grant Defendants' Motion To Dismiss. (D.I. 10).

An appropriate Order will be entered.

¹ Defendant judges have not performed judicial duties since at least 1983, and therefore, relief other than money damages is clearly not available to Plaintiff.

² Because the Court has concluded that Plaintiff's Complaint must be dismissed, and because the Court cannot order discovery if the Complaint is dismissed, the Court will not address Plaintiff's request to permit discovery.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CARL R. POWER, :
 :
 Plaintiff, :
 :
 V. : Civil Action No. 01-689-JJF
 :
 WILLIAM GORDON and ROXANNA :
 ARSHT, :
 :
 Defendants. :

ORDER

At Wilmington this 14th day of May, 2002, for the reasons
set forth in the Memorandum Opinion issued this date;

IT IS HEREBY ORDERED that Defendants' Motion To Dismiss
(D.I. 10) is **GRANTED**.

JOSEPH J. FARNAN, JR.
UNITED STATES DISTRICT JUDGE