

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MCHENRY W. JOSEPH,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 25-1120-GBW
)	
JAMES G. MCGIFFIN, JR.,)	
)	
Defendant.)	

MEMORANDUM ORDER

Plaintiff McHenry W. Joseph, of Seaford, Delaware, moved for leave to proceed *in forma pauperis* and filed a complaint *pro se* in the above-captioned civil action. (D.I. 1; D.I. 3.) This Court subsequently granted Plaintiff leave to proceed *in forma pauperis*. (D.I. 14.) An amended complaint is now the operative pleading. (D.I. 10.)

The amended complaint is subject to this Court's *sua sponte* review and dismissal upon a determination that the pleading is frivolous or malicious, fails to state a claim, or seeks monetary relief from defendants who are immune from such relief. *See* 28 U.S.C. § 1915(e)(2)(B). At this early state of the case, this Court accepts the facts alleged in Plaintiff's *pro se* pleading as true, draws all reasonable inferences in Plaintiff's favor, and asks only whether the complaint, liberally

construed, contains facts sufficient to state a plausible claim. *See Shorter v. United States*, 12 F.4th 366, 374 (3d Cir. 2021).

Upon review and consideration, the amended complaint will be dismissed because Defendant James G. McGiffin, Jr., in his official capacity as Judge of Kent County Family Court, is immune from suit. A “judicial officer in the performance of his duties has absolute immunity from suit and will not be liable for his judicial acts.” *Capogrosso v. Supreme Court of New Jersey*, 588 F.3d 180, 184 (3d Cir. 2009). As such, the amended complaint warrants dismissal, pursuant to 28 U.S.C. § 1915(e)(2)(B)(iii), and further amendment is futile.

THEREFORE, on this 26th day of September 2025, it is HEREBY ORDERED:

1. The amended complaint (D.I. 10) is **DISMISSED** with prejudice due to judicial immunity;
2. Plaintiff’s pending motions (D.I. 2, 11, 13) are **DENIED** as moot; and
3. The Clerk of Court is directed to **CLOSE** this case.



The Honorable Gregory B. Williams
United States District Judge