

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JACQUELINE STEVENS,)
)
Plaintiff,)
)
vs.)
)
ERIC HOLDER, JR.,)
Attorney General of the United)
States, et al.,)
)
Defendants.)
_____)

CIVIL ACTION NO.:
1:12-CV-1352-ODE

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

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PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiff Jacqueline Stevens moves for partial summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure on the grounds that there is no genuine issue as to any material fact and that Plaintiff is entitled to judgment as a matter of law with respect to the relief set forth below.

1. As to Defendants Keller and Smith: Plaintiff moves for summary judgment that, under *Forrester v. White*, 484 U.S. 219 (1988), Defendants Keller and Smith are not entitled to absolute judicial or quasi-judicial immunity because their actions were administrative, not judicial.

2. As to Defendant Cassidy, Plaintiff seeks the same relief, but moves in the alternative because of uncertainty relating to the current status of claims against Defendant Cassidy. Plaintiff has charged Defendant Cassidy with two separate wrongful actions: first, excluding her from his courtroom; second, after she peacefully left his courtroom, having Federal Protective Service guards expel her from the courthouse. In its January 2013 Order [Doc. 55, at 16], this Court held that Defendant Cassidy had absolute immunity with respect to the decision to close his courtroom because the decision to close courtroom proceedings is a function normally performed by a judge. In its Order, the Court did not reach or rule upon the issue of whether Defendant Cassidy had immunity for ordering Federal

Protective Service guards to expel Plaintiff from the building, but concluded generally that “Judge Cassidy is entitled to absolute immunity and the claim for damages against him is dismissed.” [Doc. 55, p. 16]. If the claim against Defendant Cassidy relating to the expulsion from the *building* has not been dismissed, then Plaintiff seeks summary judgment that Defendant Cassidy is not entitled to absolute immunity relating to that claim because expelling citizens from federal buildings is not a function that is “truly judicial” such that it would be entitled to immunity. *Forrester*, 484 U.S. at 227.

In the alternative, if the Court has already dismissed the claim, Plaintiff moves for the Court to exercise its express authority under Rule 54(b), or its inherent power, to revise the Order prior to final judgment to hold that the claim is not dismissed and that, with respect to such claim, Defendant Cassidy is not entitled to absolute judicial immunity.

Filed in support of this motion are the following:

1. A Memorandum in Support of this Motion;
2. The evidence of record, including the evidence filed with Plaintiff’s Second Notice of Filing Original Discovery [157], and Plaintiff’s Third Notice of Filing Original Discovery [159] and the evidence filed in connection therewith;
3. The Statement of Material Facts as to Which There is No Genuine Issue to be Tried, filed herewith; and

4. All other evidence and pleadings of record.

Respectfully submitted this 14th day of October, 2014.

/s/Bruce P. Brown

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CERTIFICATION OF FONT

Counsel for Plaintiff certifies that this document has been prepared in a Times New Roman, 14 point font and otherwise complies with Local Rule 5.1C.

This 14th day of October, 2014.

/s/Bruce P. Brown
Bruce Perrin Brown
Georgia Bar No. 064460

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CERTIFICATE OF SERVICE

I hereby certify that I have, this date, filed electronically the foregoing Plaintiff's Motion for Partial Summary Judgment with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification to the attorneys of record.

This 14th day of October, 2014.

/s/Bruce P. Brown
Bruce Perrin Brown
Georgia Bar No. 064460