

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Timothy Demond Pate v. Leon T. Roche

Civil Action No. 25-2304 · No. 2:25-cv-02304 · Decided January 22, 2026

SUMMARY

A magistrate judge recommends dismissing Timothy Demond Pate’s 42 U.S.C. § 1983 complaint against Louisiana state Judge Leon T. Roche. The recommendation concludes that the claims are barred by judicial and Eleventh Amendment immunity, fail under applicable screening provisions, and, insofar as they challenge state-court judgments, are barred by the Rooker-Feldman doctrine and potentially Heck v. Humphrey. The recommended dismissal is with prejudice, with dismissal otherwise for lack of subject-matter jurisdiction.

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF LOUISIANA TIMOTHY DEMOND PATE, #604643 CIVIL ACTION VERSUS NO. 25-2304 LEON T. ROCHE SECTION AL@5) REPORT AND RECOMMENDATION in forma pauperis pro se This 42 U.S.C. § 1983 proceeding was filed by plaintiff, Timothy Demond Pate, who was incarcerated at the Orleans Justice Center. Pate names Judge Leon T. Roche as the sole defendant, alleging that the judge violated his constitutional 1 rights by obstructing justice and preventing the release of his personal property.

He also asserts that his probation was improperly revoked in violation of his due process rights. He requests monetary compensation and an order compelling the release of his property and 2 recommending defendant’s disbarment. 1 In his memorandum in support, Pate references criminal statutes 18 U.S.C. §C 2h4a2n,e 1y8 v.U R.Sa.cCe. s§ a 3n7d1 A, acnesd 18 U.S.C. § 1512.

(R. Doc. 3-1, p. 1). Because these criminal statutes do not provide for a private right of action, Pate fails to state a claim for whichA lrie vl.i eSfh mabaayz bze granted pursuant to these statSuatmesp. y v. Borne Wilkes Rabalais,, 5L.9L0.C F. App’x 327, 330 (5th Cir. 2014) (Sections 241 and 242 are criminal statutes that “do not provide for a private right of action.”) (quoting, 8 F.3d 22a, d2o2p (t5etdh Cir.

1993)); Poree., Cv.i vL.a Akcetwioinnd N Eoa. s2t4 A-1p6a9rt, m20en2t4s WL 2813326, at *3 (W.D. La. May 16, 2024) (no viable civil cause of action for “tampering” under criminal statute 18 U.S.C. § 1512),, 2024 WL 2804929 (W.D. La. May 31, 2024);, Civ. Action No. 93-3446, 1994 WL 705428, at *2 (E.D. La. Dec. 15, 1994) (dismissing plaintiff’s claim under 18 U.S.C. § 371, a

encours City of, Officials acting in their official capacities are protected by 42 U.S.C. § 1983”); 88 F.3d 341, 343 (5th Cir. 1996); *Doris v. Van Davis*, Civ.

Action No. 19-11451, 2020 WL 1638376, at *3 (E.D. La. Apr. 2, 2020); Civ. Action No. 08-4138, 2009 WL 382653, at *2 (E.D. La. Feb. 7 12, 2009). And absolute judicial immunity bars any claim against Judge Roche in his individual capacity based on his restrictive ruling as to the property to be released to Pate and the revocation of Pate’s probation. Absolute immunity applies regardless of whether the Mr. Pate’s alleged actions were allegedly erroneous, malicious, or in excess of his authority., 97 F.3d 107, 111 (5th Cir.

1996). A judge’s immunity is overcome only for actions not taken in his official capacity or for action taken in the absence of all jurisdiction., 502 U.S. 9 at 11-12 (1991);, 31 F.3d 279, 284 (5th Cir. 1994). Pate’s claims against Judge Roche involve only actions taken in his judicial capacity and within his jurisdiction., 413 F.3d 510, 517 (5th Cir.

2005). Thus, he is immune from suit for monetary relief under Section 1983. Additionally, Section 1983 prohibits injunctive relief against judicial officers, stating that injunctive relief shall not be granted in an action brought against “a judicial officer for an act or omission taken in such 7 To the extent the Plaintiff seeks to characterize his requests for relief as “injunctive” or “declaratory,” the court declines to do so because the relief sought is prospective relief is not possible., No. 20-30237, 2025 WL 79826, at *6-7 (5th Cir.

Jan. 13, 2025); s, 341 F.3d 352, 358 (5th Cir. 2003);, 971 F. Supp. 2d 671, 681 (N.D. Miss. 2025). Pate’s motion for declaratory relief based on Eleventh Amendment immunity, noting that the plaintiff’s claims are barred by the Eleventh Amendment and thus not available under 42 U.S.C. § 1983, No. 4:24CV1025, 2025 WL 3557946, at *2 (E.D.

Tex. July 25, 2025),, 2025 WL 3556104 (E.D. Tex. Dec. 11, 2025). officer’s judicial capacity... unless a declaratory decree was violated or declaratory relief was unavailable.” 42 U.S.C. § 1983. Pate has made no such allegations and can seek such relief only by challenging the unfavorable judgments in the state courts.

Finally, Pate is clearly unhappy with what he perceives to be erroneous or unfair rulings made by Judge Roche in his state criminal proceedings. Even though he does not explicitly seek to overturn the written ruling issued by Judge Roche granting his motion for release of his property, he essentially disputes Judge Roche’s restrictive limitation placed on the property subject to release pursuant to that ruling.

To the extent Pate's § 1983 complaint challenges the state court's judgments and presents a collateral attack on them, the doctrine bars the claim. "Litigation in the form of a civil rights action cannot circumvent this rule[.]", 18 F.3d 315, 317 (5th Cir. 1994). "When a § 1983 suit is 'inextricably intertwined' with a state-court judgment such that the suit is, essentially, one and the same as the state-court judgment, district courts lack original jurisdiction over the suit.", 796 F. App'x 209, 210 (5th Cir.

2020) (citing, 18 F.3d at 317–18). Thus, to the extent he is challenging prior judgments made by the state court in his criminal proceedings and seeking review of those judgments by this Court, the doctrine applies pursuant to the doctrine in *Feldman*, 544 U.S. 280, 284 (2005) (holding that the doctrine applies to "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").

Pate may use available processes in the state courts to challenge or seek review of Judge Roche's actions and rulings. Thus, to the extent he attempts to collaterally attack a judgment rendered by the state court, the Court lacks subject matter jurisdiction over Pate's complaint. IT IS RECOMMENDED that the complaint against Judge Roche be dismissed pursuant to 28 U.S.C. § 1252(a)(2)(B), 1915A, and otherwise for lack of subject-matter jurisdiction under the doctrine to the extent he attempts to collaterally attack a state-court judgment.

A party's failure to file written objections to the proposed findings, conclusions, and recommendation contained in a magistrate judge's report and recommendation within 14 days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court, provided that the party has been served with notice that such *Douglas v. United States Auto.*

consequences will result from a failure to object., 798 F.3d 1415 (5th Cir. 1996) (en banc). 22nd New Orleans, Louisiana, this ____ day of January, 2026. _____ MICHAEL B. NORTH UNITED STATES MAGISTRATE JUDGE Douglas referenced the previously-applicable 10-day period for the filing of objections. Effective December 1, 2009, 28 U.S.C. §636(b)(1) was amended to extend that period to 14 days.