

**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

OPINION

Pate

PER CURIAM.

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 statute making it a criminal offense to conspire either to commit any offense against the UniteSde eStaet.ges Roor ctkoe dfeelflrear uvd. Uth.Se. UCtn. iotef dA pSptaetaelss, Owffh.,i cfahr d Toeenst nh oCti rc.r eJuadteg eas private right of action). Here, even liberally construed as alleging claims under 42 U.S.C. § 1983, he fares no better for the reasons set forth in this report. , , , 248 F. Supp. 2d 17, 23-24 (D.D.C. 2003) (construing claims for relief under 18 U.S.C. §§ 242, 371 as claims for relief under 42 U.S.C. § 1983). see also 2 R. Doc. 3 at p. 5,

Complaint, R. Doc. 3-1 at p. 6 in forma pauperis A proceeding brought may be dismissed as frivolous *Buonodkeerr v* §. 1K9o1on5c(ee)(2)(B)(i), if the claim alleged therein has no arguable basis in law or fact, , 2 F.3d 114 (5th Cir. 1993); if it fails to state a claim upon which relief can be granted under 28 U.S.C. § 1915(e)(2)(B)(ii); or if it seeSkees amlsoonetary relief against a defendant who is immune under 28 U.S.C. § 1915(e)(2)(B)(iii). 28 U.S.C. § 1915A, 42 U.S.C. § 1997e(c). Liberally construing Pate’s complaint, it is the recommendation of the undersigned Magistrate Judge that the complaint be dismissed with prejudice under §§ 1915(e)(2)(B) and 1915A, and because the Court otherwise lacks subject-matter jurisdRioctoikoenr o-Fveelrd tmhaen complaint and any collateral attack on a state-court judgment pursuant to the doctrine. Pate sued Judge Roche based on judicial rulings the judge made in connection with Pate’s criminal proceedings. According to Pate, he entered a “no contest” plea before Judge Roche in April 2025. He subsequently filed a motion to release his property. Pate claims that Judge Roche ruled in his favor on the motion to release his property, which inclui.de.ed his cell phone, earphones, cell phone chargers, and personal legal documents (, a trust 3 instrument, original mortgage notes, and property deeds). However, when he attempted to collect the items, he was denied access to the phone and legal documents. He contends that Detective Boswell disputed the order and planned to meet with Judge Roche. Pace stated that he emailed chambers and received a reply stating that the detective had met with 3 R. Doc. 3-1, pp. 2-4. Judge Roche off the record and it was determined the documents were fraudulent and that he was not entitled to their return. Pate contends that Judge Roche improperly allowed a detective, who had no authority or evidence to support his claim, “to persuade him to go back 4 on an order that he had already granted.” Pate also alleges that Judge Roche improperly revoked his probation, forcing him to again face false accusations dealing with his real estate acquired through trust and private partnership agreements. He disputes the grounds for revocation and alleges that he was denied due process. He states that he is challenging the judgment in the state court of appeal. He also states that he has lodged a complaint with the judicial commission against Judge 5 Roche. Initially, the Court observes that to the extent Pate seeks an order compelling the judge to act (R. Doc. 3, p. 5), a federal court has no power to direct a state court or its judicSieael oRfeyicneorlsd si nv . tDheeL paergrfeormance of their duties when mandamus is the only relief sought. report and, Nreoc. o2m2-m14en2d1a, t2i0o2n 2a WdoLp t3e5d87840, at *3 (E.D. La. July 11, 2022) (citations omitted), , 2022 WL 3579420 (E.D. La. Aug. 19, 2022). Furthermore, Pate’s request for Judge Roche’s disbarment (R. Doc. 3-1, p. 6) is improper because the CoSeuer tB helal sv .n Moo arugathnriority to issue such an order and certainly not pursuant to Section 1983. , No. 5:22CV135-BQ, 2023 WL 9953950, at *4 (N.D. Tex. Aug. 4 RId. Doc. 3-1, pp. 3-4. 5 . at 5. Jackson v. Lyons 10, 2023) (citing , No. 3:22CV095-MPM-JMV, 2022 WL 3226190, at *1 (N.D. Miss. July 20, 2022) (describing request for thaeff 'rdevocation of state judge's law license as “fantastical” and disSmteisleslein vg. Ucansieco ans Gfripvolous), , No. 22-60443, 2022 WL 17829992 (5th Cir. Dec. 21, 2022); ., No. 3:19-CV-1679-N-BH, 2020 WL 5520610, at *12 (N.D. Tex. Aug. 10, 2020) (“Section 1983 was

enacted to redress civil rights violations by persons acting under color of State law and is not the proper vehicle to initiate an equitable action under the state bar.” (internal quotation marks omitted))C, avit v. Dall. Cnty. Jud. Ct , 2020 WL 5513439 (N.D. Tex. Sept. 11, 2020); and ., No. 3:09-CV-1691-N-BH, 2009 WL 3816485, at *2 (N.D. Tex. Nov. 12, 2009) (explaining that the court could not “disbar [p]laintiff’s former attorney under § 1983 because Texas courts have exclusive jurisdiction over the discipline of their attorneys” (cleaned up)). 6 Furthermore, the sole named defendant is not subject to suit under § 1983. As to any claim against Judge Roche in his official capacity, such a claim is in res judicata. Dineson v. Heck v. Heck, 512 U.S. 477, 486-87 (1994); , 49 F.3d 175, 177 (5th Cir. 1995) (applying to § 1983 claim that would, if successful, imply the invalidity of the revocation of plaintiff’s probation and parole). St. Police v. Pate, 491 U.S. 58, 71 (1989) (“neither acting in their official capacities nor as private citizens”); , 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 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 judicial capacity or for actions taken in his non-judicial capacity. , 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 official capacity or under color of such office.” To the extent Pate seeks to characterize his requests for relief as “injunctive” or “declaratory,” they are barred by absolute judicial immunity for past constitutional violations (as opposed to prospective relief which 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. 2E0x1 P3a) r(tger aYnotuinngg suFmumlcoa rvy. jHuadmngmpteonnt based on Eleventh Amendment immunity, noting that the plaintiff's rreequuoerstt as nfodr r deceocmlarmaetonrnya trieolnie af dwoeprtee dactually complaints of past constitutional violations and thus not available under). , 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 challengesR tohoek esor-uFnedldnmesasn of the state court’s judgments and presents a collateral attack on them, the doctrine bars the claim. “LTiehdet kcea svt.i Sntga otef Ba acro omf pTleaxin. t 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, esseBnatitaislltya, va.n C aatrttaeclk on that judgment, district courts lack originalL jiuedritskdeiction 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 seReokoinke rr-eFveeldrsmal nby this CourEtx, xthone fMedobeirla Cl ocropu. rvts. Scaaundnio Bt ahseica rI nsduucsh. Cmoarptt.ers pursuant to the doctrineR. ooker- 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 jurisRdiEcCtiOonM oMvEerN PDaAteT’IsO cNomplaint.

IT IS RECOMMENDED

FoDr ItShMe fIoSrSeEgDo iWngI TreHa PsoRnEsJ,U DICE that the complaint against Judge Roche be pursuant to 28 U.S.RCo. §o§k e1r9-1Fe5l(dem)(a2n)(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

Douglass v. United States Auto. Assoc. consequences will result from a failure to object. , 79 8 F.3d 1415 (5th Cir. 1996) (en banc). 22nd New Orleans, Louisiana, this ____ __ day of January, 2026. _____

MICHAEL B. NORTH

UNITED STATES MAGISTRATE JUDGE

Douglass 8 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.