

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Joseph Mulla v. Kanawha County Commission, et al.

Mulla · No. 2:25-cv-00625 · Decided April 20, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopted a magistrate judge’s proposed findings and recommendation and dismissed Joseph Mulla’s action with prejudice. The court denied in forma pauperis status, concluding that the claims were barred by res judicata, judicial immunity, the Eleventh Amendment, pleading deficiencies, and the Rooker-Feldman doctrine. The court also warned that future substantially similar filings could result in sanctions under Federal Rule of Civil Procedure 11.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia
JURISDICTION	United States District Court for the Southern District of West Virginia
DECIDED	April 20, 2026
DOCKET	2:25-cv-00625
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's proposed findings and recommendation recommending denial of the plaintiff's application to proceed without prepayment of fees or costs and dismissal of the action. After reviewing the plaintiff's objections de novo, the court adopted the PF&R, denied in forma pauperis status, and dismissed the action with prejudice.
STANDARD OF REVIEW	De novo review of portions of the magistrate judge's proposed findings and recommendation to which specific objections were made; no review was required for portions not specifically objected to.
PRECEDENTIAL VALUE	nonprecedential district court memorandum opinion and order
PARTIES	Joseph Mulla v. Kanawha County Commission, Judge Kenneth Ballard, Judge Tera Salango, Judge Stephanie Abraham, Judge Jennifer Bailey, State of West Virginia, by and through its Family Court Division, CPS, and Judiciary, West Virginia Department of

TOPICS

res judicata section 1983 eleventh amendment immunity pleadings subject matter jurisdiction

PRACTICE AREAS

civil rights federal civil procedure constitutional law state sovereign immunity

QUESTIONS PRESENTED

1. Whether the plaintiff's objections to the magistrate judge's proposed findings and recommendation warranted de novo review and rejection of the recommendation.
2. Whether the plaintiff's claims against defendants previously named in substantially similar actions were barred by res judicata.
3. Whether Judge Kenneth Ballard was entitled to absolute judicial immunity.
4. Whether claims against the West Virginia Department of Health and Human Resources or state-related defendants were barred by state immunity and the rule that a State is not a person under 42 U.S.C. § 1983.
5. Whether the complaint failed to satisfy Federal Rule of Civil Procedure 8 and the plausibility standard.
6. Whether the Rooker-Feldman doctrine deprived the federal court of jurisdiction over claims inextricably intertwined with state-court decisions.
7. Whether supplemental jurisdiction existed over any state-law claims.

HOLDINGS

1. A district court must review de novo those portions of a magistrate judge's report to which specific objections are made, but general or conclusory objections do not preserve an issue for de novo review and may constitute waiver.
2. Claims against defendants previously named in substantially similar actions were barred by res judicata.
3. Judge Kenneth Ballard was immune from suit because the challenged conduct occurred within his judicial capacity.
4. To the extent the West Virginia Department of Health and Human Resources was construed as a different party, the claims were barred by state immunity, and a State is not a person subject to suit under 42 U.S.C. § 1983.
5. The complaint failed to state a claim because it relied on generalized and conclusory allegations, including references to false statements and misconduct, without specific factual matter showing how any defendant plausibly violated the plaintiff's rights.
6. The plaintiff's claims were barred by the Rooker-Feldman doctrine because they were inextricably intertwined with state-court decisions, leaving the federal court without jurisdiction.

7. Because the court lacked federal jurisdiction over the federal claims, there was no basis for supplemental jurisdiction over the state-law claims.

KEY QUOTATIONS

“A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”” (at 1)

“Judicial immunity is strong medicine. When it applies it is absolute. It not only protects judges from ultimate liability in a case, but also serves as a complete bar to suit.” (at 2)

“A pleading must contain a “short and plain statement of the claim showing that the pleader is entitled to relief.”” (at 3)

“A complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” (at 3)

“Plaintiff’s continuous and meritless filings in the district will not be tolerated, and the court will not continue to waste resources.” (at 4)

FACTUAL BACKGROUND

The plaintiff brought a civil-rights action against state judges, state agencies or officials, and the Kanawha County Commission, alleging generalized misconduct and false statements arising from state-court proceedings. He had previously filed two substantially similar actions in the Southern District of West Virginia, both of which were dismissed, with one court finding that amendment would be futile and another denying leave to amend. The present complaint repeated substantially identical allegations against substantially similar parties and did not provide specific facts explaining how the defendants violated the plaintiff’s rights.

PROCEDURAL HISTORY

The action was referred to Magistrate Judge Dwane L. Tinsley under 28 U.S.C. § 636. The magistrate judge issued a PF&R on November 5, 2025, recommending denial of the application to proceed without prepayment of fees or costs and dismissal. The plaintiff objected, but the district court found the objections insufficient and meritless, adopted and incorporated the PF&R, and dismissed the action with prejudice. The court also warned that another complaint alleging the same facts could result in a Rule 11 show-cause order.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 150 (1985)
- Veney v. Astrue, 539 F. Supp. 2d 841, 845 (W.D. Va. 2008)
- United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007)
- Howard’s Yellow Cabs, Inc. v. United States, 987 F. Supp. 469, 474 (W.D.N.C. 1997)

- Laurel Sand & Gravel, Inc. v. Wilson, 519 F.3d 156, 161-62 (4th Cir. 2008)
- Gibson v. Goldston, 85 F.4th 218, 223 (4th Cir. 2023)
- Mireles v. Waco, 502 U.S. 9, 11 (1991) (per curiam)
- Will v. Michigan Department of State Police, 491 U.S. 58, 65 (1989)
- Adams v. Ferguson, 884 F.3d 219, 224-25 (4th Cir. 2018)
- Kentucky v. Graham, 473 U.S. 159, 169 (1985)
- Brandon v. Holt, 469 U.S. 464, 471-72 (1985)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Plyler v. Moore, 129 F.3d 728, 731 (4th Cir. 1997)
- Charchenko v. City of Stillwater, 47 F.3d 981, 983 (8th Cir. 1995)
- Exxon Mobil Corp. v. Allapattah Services, Inc., 545 U.S. 546, 552 (2005)

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