

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Brandon S. Killoran v. Donald Lewis Mason, et al.

Case No. 2:25-cv-344 · No. 2:25-cv-344 · Decided February 6, 2026

SUMMARY

The United States District Court for the Southern District of Ohio grants the defendants’ motions to dismiss and for judgment on the pleadings in Brandon S. Killoran’s pro se action arising from alleged law-enforcement threats, state criminal proceedings, and related state-court litigation. The court dismisses the federal claims based on grounds including failure to state a claim, limitations, immunity, lack of a private cause of action, and the Rooker-Feldman doctrine, and declines supplemental jurisdiction over the remaining state-law claims. The court also denies Killoran’s motions for summary judgment, injunctions, sanctions, and to strike.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division
WRITING FOR THE COURT	Algenon L. Marbley
JURISDICTION	United States District Court for the Southern District of Ohio, Eastern Division
DECIDED	February 6, 2026
DOCKET	2:25-cv-344
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff proceeding pro se filed claims under 42 U.S.C. § 1983 and various federal and Ohio statutes and common-law theories. Defendants moved to dismiss or for judgment on the pleadings, and Plaintiff filed motions for summary judgment, injunctions, sanctions, and to strike pleadings. The court granted the defendants' dispositive motions, denied Plaintiff's motions, and dismissed the action.
STANDARD OF REVIEW	A Rule 12(b)(6) motion tests the sufficiency of the claims stated in the complaint; well-pleaded factual allegations are accepted as true and reasonable inferences are drawn for the nonmoving party, but legal conclusions and unwarranted inferences are not accepted. A Rule 12(c) motion based on failure to state a claim is evaluated under the same standard as Rule 12(b)(6) and is granted when no material factual

issue exists and the movant is entitled to judgment as a matter of law. The plaintiff bears the burden of establishing subject-matter jurisdiction under Rule 12(b)(1). Pro se pleadings receive liberal construction but must satisfy basic pleading requirements.

PRECEDENTIAL VALUE

unknown

TOPICS

motions to dismiss

motion for judgment on the pleadings

subject matter jurisdiction

section 1983

sovereign immunity

PRACTICE AREAS

civil procedure

civil rights

constitutional law

criminal procedure

remedies

QUESTIONS PRESENTED

1. Whether Killoran stated a viable Fifth Amendment due process claim against a state prosecutor and state judges.
2. Whether the assistant prosecutor was entitled to absolute prosecutorial immunity.
3. Whether the claims seeking to invalidate or obtain review of state-court judgments were barred by the Rooker-Feldman doctrine.
4. Whether the judges were protected by Eleventh Amendment immunity in their official capacities and absolute judicial immunity in their individual capacities.
5. Whether Killoran's § 1983 and § 1985 claims were barred by the statute of limitations.
6. Whether the complaint stated viable civil conspiracy, civil RICO, aggravated assault, or fraud claims under the cited federal and state statutes.
7. Whether the court should decline supplemental jurisdiction over the remaining state-law claims.
8. Whether Killoran's motions for summary judgment, injunctions, sanctions, and to strike should be granted.

HOLDINGS

1. The Fifth Amendment Due Process Clause constrains federal government action and does not provide a basis for claims against the Ohio county prosecutor or state-court judges acting as state actors.
2. A county prosecutor is absolutely immune from damages liability for conduct intimately associated with the judicial phase of a criminal case, including initiating and prosecuting the case.
3. A federal district court may not review or invalidate a state-court judgment, and claims seeking relief from a state judgment or alleging that state judges wrongly decided the case are barred to the extent the state-court judgment itself is the source of the injury.

4. State-court judges are immune under the Eleventh Amendment from retrospective official-capacity claims and are absolutely judicially immune from individual-capacity claims based on judicial acts performed within their jurisdiction.
5. Killoran's § 1983 and federal conspiracy claims were untimely because they accrued no later than June 15, 2021, while the complaint was filed on April 3, 2025.
6. The complaint failed to state viable claims based on civil conspiracy, civil RICO, aggravated assault under 18 U.S.C. § 113, or fraud under 18 U.S.C. § 1341.
7. After dismissing all federal claims against the City Defendants, the court declined to exercise supplemental jurisdiction over the remaining state-law claims.
8. Killoran's motions for summary judgment were premature because they were filed before defendants had answered and before discovery began, while discovery was stayed.

KEY QUOTATIONS

“A motion to dismiss under Rule 12(b)(6) for failure to state a claim upon which relief can be granted “is a test of the plaintiff’s cause of action as stated in the complaint, not a challenge to the plaintiff’s factual allegations.”” (Section II.A)

“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.”” (Section III.C.1)

“Killoran makes no assertion that the Judges engaged in conduct that exceeded their jurisdiction or was outside the scope of their traditional judicial function.” (Section III.C.2)

FACTUAL BACKGROUND

Killoran repeatedly contacted Zanesville law enforcement about a noise and alleged that Mayor Donald Mason directed him to public safety director Douglas Merry, who failed to address the complaints. He alleged that Detective Shawn Porter threatened him in June 2021 in connection with a related civil lawsuit and that Porter and other officers later ambushed and threatened him. Killoran was subsequently charged and convicted in Muskingum County of obstructing official business and telecommunications harassment, and he sued the mayor, judges, public officials, police personnel, and an assistant prosecutor for damages, relief from the state-court judgment, and an investigation.

PROCEDURAL HISTORY

Killoran filed the action on April 3, 2025, arising from alleged responses by Zanesville and Muskingum County officials to his noise complaints, a related civil action, and criminal prosecution. Discovery was stayed pending resolution of the dispositive motions because immunity defenses might bar the claims. The court granted the prosecutor's Rule 12(b)(6) motion and the judges' and City Defendants' Rule 12(c) motions, denied the remaining motions, and dismissed the case.

DISPOSITION

dismissed

CASES CITED

- *Golden v. City of Columbus*, 404 F.3d 950, 958-59 (6th Cir. 2005)
- *Total Benefits Planning Agency, Inc. v. Anthem Blue Cross & Blue Shield*, 552 F.3d 430, 434 (6th Cir. 2008)
- *Horn v. Husqvarna Consumer Outdoor Products N.A., Inc.*, 2013 WL 693119, at *1 (S.D. Ohio Feb. 26, 2013)
- *Allard v. Weitzman*, 991 F.2d 1236, 1240 (6th Cir. 1993)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Morgan v. Church's Fried Chicken*, 829 F.2d 10, 11 (6th Cir. 1987)
- *JPMorgan Chase Bank, N.A. v. Winget*, 510 F.3d 577, 581-82 (6th Cir. 2007)
- *Rogers v. Stratton Industries, Inc.*, 798 F.2d 913, 915, 917 (6th Cir. 1986)
- *Garrett v. Belmont County Sheriff's Department*, 374 F. App'x 612, 614 (6th Cir. 2010)
- *Wells v. Brown*, 891 F.2d 591, 594 (6th Cir. 1989)
- *Moore v. Shelby County, Kentucky*, 718 F. App'x 315, 320 (6th Cir. 2017)
- *White's Landing Fisheries v. Buchholzer*, 29 F.3d 229, 231 (6th Cir. 1994)
- *Vo v. Ohio Department of Job & Family Services*, 2021 WL 6033681, at *6 (S.D. Ohio Dec. 21, 2021)
- *Green v. Paley*, 2024 WL 3890693, at *5 (S.D. Ohio Aug. 21, 2024)
- *Scott v. Clay County*, 205 F.3d 867, 873 n.8 (6th Cir. 2000)
- *Imbler v. Pachtman*, 424 U.S. 409, 430 (1976)
- *Manetta v. Macomb County Enforcement Team*, 141 F.3d 270, 274 (6th Cir. 1998)
- *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983)
- *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923)
- *Kovacic v. Cuyahoga County Department of Children and Family Services*, 606 F.3d 301, 308-09 (6th Cir. 2010)
- *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280, 284 (2005)
- *Dates v. HSBC*, 721 F. Supp. 3d 616, 626 (S.D. Ohio 2024)
- *McCormick v. Braverman*, 451 F.3d 382, 391, 393 (6th Cir. 2006)
- *Nyamusevya v. Ohio*, 2025 WL 2625291, at *4-*5 (S.D. Ohio Sept. 11, 2025)
- *Brookings v. Clunk*, 389 F.3d 614, 617 (6th Cir. 2004)
- *Browning v. Pendleton*, 869 F.2d 989, 992 (6th Cir. 1989)
- *Ruiz-Bueno v. Maxim Healthcare Services*, 659 F. App'x 830, 833 (6th Cir. 2016)
- *Roth v. President & Board of Trustees of Ohio University*, 2010 WL 785349, at *2 (S.D. Ohio Mar. 5, 2010)
- *Chapman v. Franklin County Board of Commissioners*, 2024 WL 4501032, at *5 (S.D. Ohio Oct. 16, 2024)
- *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 496 (1985)

- James v. Meow Media, Inc., 90 F. Supp. 2d 798, 813 (W.D. Ky. 2000)
- Morganroth & Morganroth v. DeLorean, 123 F.3d 374, 386 (6th Cir. 1997)
- Mace v. City of Akron, 989 F. Supp. 949, 961 (N.D. Ohio 1998)
- Taylor v. First of America Bank-Wayne, 973 F.2d 1284, 1287 (6th Cir. 1992)
- Operating Engineers Local 324 Health Care Plan v. G & W Construction Co., 783 F.3d 1045, 1050 (6th Cir. 2015)
- Brown & Williamson Tobacco Corp. v. United States, 201 F.2d 819, 822 (6th Cir. 1953)
- Joe Hand Promotions, Inc. v. Havens, 2013 WL 3876176, at *1 (S.D. Ohio July 26, 2013)
- Zell v. Klingelhafer, No. 2:13-cv-00458, 2015 WL 1299542, at *6 (S.D. Ohio Mar. 23, 2015)

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