

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

**Peter J. Barclay and Family v. Daniel R. Murphy, Glen D. Baisinger,
Linn County Oregon, State of Oregon**

Barclay · No. 6:26-cv-96-MC · Decided January 29, 2026

SUMMARY

The United States District Court for the District of Oregon denied the pro se plaintiff's application to proceed in forma pauperis and dismissed the action with prejudice. The court held that claims challenging state-court decisions in a divorce proceeding were barred by judicial immunity and, in any event, were untimely under the applicable limitations period.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Michael McShane
JURISDICTION	United States District Court for the District of Oregon
DECIDED	January 29, 2026
DOCKET	6:26-cv-96-MC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff sought leave to proceed in forma pauperis in a civil-rights action challenging rulings issued by Oregon state-court judges during plaintiff's divorce proceeding.
STANDARD OF REVIEW	The court exercised discretion in evaluating the in forma pauperis application and screened the claims under 28 U.S.C. § 1915, including whether the claims were frivolous or failed to state a claim.
PRECEDENTIAL VALUE	Unknown; district court opinion
PARTIES	Peter J. Barclay and Family v. Daniel R. Murphy, Glen D. Baisinger, Linn County Oregon, State of Oregon

TOPICS

[section 1983](#) [civil rights](#) [family law procedure](#) [civil procedure](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiff qualified to proceed in forma pauperis when his claims were barred by judicial immunity and were filed years after the challenged judicial acts.
2. Whether plaintiff's claims challenging state-court rulings could proceed as a civil action rather than through the ordinary appellate process.

HOLDINGS

1. Plaintiff's claims were barred by judicial immunity because they challenged decisions made by state-court judges in the course of judicial proceedings.
2. Plaintiff's claims were untimely because the challenged actions occurred in 2008, 2009, and 2017, and the action was filed several years after the assumed two-year limitations period for § 1983 claims.

KEY QUOTATIONS

“judicial immunity is a common law doctrine that protects “the finality of judgements” and “discourage[es] inappropriate collateral attacks . . . by insulating judges from vexatious actions prosecuted by disgruntled litigants.””

“However, even with this immunity, “judicial mistakes or wrongs are open to correction through ordinary mechanisms of review,” the appellate process.”

FACTUAL BACKGROUND

Plaintiff challenged decisions made by Linn County Circuit Court judges during his divorce proceeding. The challenged decisions were issued on September 5, 2008, November 10, 2009, and July 15, 2017. Plaintiff attempted to pursue constitutional claims concerning those rulings in federal court rather than through Oregon's appellate courts.

PROCEDURAL HISTORY

Plaintiff filed claims under 42 U.S.C. § 1983 concerning state-court decisions issued in 2008, 2009, and 2017, and moved to proceed in forma pauperis. The district court denied in forma pauperis status, dismissed the action with prejudice for failure to state a claim, and denied pending motions as moot.

DISPOSITION

dismissed

CASES CITED

- O'Loughlin v. Doe, 920 F.2d 614, 616 (9th Cir. 1990)
- O'Loughlin v. Doe, 920 F.2d 614, 617 (9th Cir. 1990)

- Forrester v. White, 484 U.S. 219, 225 (1988)
- Bradley v. Fisher, 80 U.S. 335, 347 (1871)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON PETER J. BARCLAY AND FAMILY, Case. No. 6:26-cv-96-MC OPINION & ORDER Plaintiff, v. DANIEL R. MURPHY, GLEN D. BAISINGER, LINN COUNTY OREGON, STATE OF OREGON, Defendants. _____ MCSHANE, Judge: Pro se plaintiff seek leave to proceed in forma pauperis (IFP). This court has discretion in deciding whether to grant in forma pauperis status.

See O'Loughlin v. Doe, 920 F.2d 614, 616 (9th Cir. 1990). To qualify for in forma pauperis status, a civil litigant must demonstrate both that the litigant is unable to pay court fees and that the claims the litigant seeks to pursue are not frivolous. 28 U.S.C. § 1915(a)(1), 1915(e)(2)(B)(i); O'Loughlin, 920 F.2d at 617. Plaintiff takes issue with certain decisions made by Linn County Circuit Court judges years ago during Plaintiff's divorce proceeding.

Plaintiff challenges the decisions made on September 5, 2008, November 10, 2009, and July 15, 2017. Compl. ¶¶ 4–5. Plaintiff attaches those rulings as exhibits 6-8 of his Complaint. There are several fatal errors barring Plaintiff's claims.

First, his claims are barred by judicial immunity. Judicial immunity is a common law doctrine that protects “the finality of judgements” and “discourage[es] inappropriate collateral attacks... by insulating judges from vexatious actions prosecuted by disgruntled litigants.” Forrester v. White, 484 U.S. 219, 225 (1988)(citing Bradley v. Fisher, 80 U.S. 335, 347 (1871)). “The common law's rationale for these decisions—freeing the judicial process of harassment or intimidation—has been thought to require absolute immunity even for advocates and witnesses.

Id. However, even with this immunity, “judicial mistakes or wrongs are open to correction through ordinary mechanisms of review,” the appellate process. Id. Here, rather than file a civil action against the state court judges, Plaintiff was obligated to raise the constitutional challenges to those orders he advances now to Oregon's appellate courts.

Second, Defendants' actions occurred in 2008, 2009, and 2017. Even assuming that Plaintiff had two years to file his claims under 28 U.S.C. § 1983, this action comes several years too late. Because Plaintiff fails to state a claim, Plaintiff's application for leave to proceed in forma pauperis is DENIED and this case is DISMISSED, with prejudice. Any pending motions are DENIED as moot.

IT IS SO ORDERED. DATED this 29th day of January 2026. _____/s/ Michael McShane _____
Michael McShane United States District Judge

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