

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO, EASTERN DIVISION**

Myisha Nicole Mukaabya v. Judge Mark J. Kolmacic, et al.

Mukaabya · No. 4:25 CV 02177 · Decided March 31, 2026

OPINION

Mukaabya

PER CURIAM.

PEARSON, J.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OHIO

EASTERN DIVISION

MYISHA NICOLE MUKAABYA,)

) CASE NO. 4:25 CV 02177

Plaintiff,)

) JUDGE BENITA Y. PEARSON

v.))

JUDGE MARK J. KOLMACIC, et al.,) MEMORANDUM OF OPINION

) AND ORDER

Defendants.) Pro se plaintiff Myisha Nicole Mukaabya filed this civil rights action against Judge Mark J. Kolmacic; Prosecutor Lynn Maro; Retired Judge Patrick P. Cunning; Yanitza Tomes Luciana, Children Services Case Manager; Former Prosecutor Brian J. Macala; Campbell Police Department; and James Goski, Campbell Elementary and Middle School Assistant Principal. ECF No. 1. She filed several motions to supplement her complaint, including additional damages claims and new defendants. ECF No. 6; ECF No. 7; ECF No. 9; ECF No. 10; ECF No. 11; and ECF No. 12. On February 6, 2026, the Court notified Plaintiff that her Complaint, as written, failed to state a claim upon which relief may be granted. The Court granted Plaintiff thirty (30) days to amend her Complaint to state a viable cause of action and notified her that if a legally sufficient Complaint was not filed within that time, the action may be dismissed. ECF No. 13. The Court ordered that the amended complaint consist of one document including all claims, defendants, and requests for relief. ECF No. 13. On February 13, 2026, Plaintiff filed a motion for leave to (4:25CV2177) file an amended complaint, attaching an “order to amend complaint.” See ECF No. 14; ECF No. 14-1. The Court grants Plaintiff’s motion and construes ECF No. 14-1 as Plaintiff’s operative complaint. Accordingly, each of Plaintiff’s motions to supplement her original complaint (ECF No. 6; ECF No. 7; ECF No. 9; ECF No. 10; ECF No. 11; ECF No. 12) are denied as moot. In the Amended Complaint, Plaintiff identifies the following defendants: Judge

Kolmacic, Prosecutor Maro, Judge Cunning, Case Manager Luciana, Prosecutor Macala, Campbell Police Department, Assistant Principal Goski, Attorney Hall, Probation Officer Jean Darkadakis, and U.S. Postal Service employee, Tamika. The Amended Complaint fails to state a legally sufficient claim upon which relief can be granted. For the reasons set forth below, this action is dismissed.

I. Background Plaintiff's Complaint is a disjointed narrative of events consisting entirely of bare, conclusory allegations. As best the Court can discern, it appears that Plaintiff is challenging a conviction for domestic violence in the Campbell Municipal Court. She claims that her probation officer, Jean Darkadakis, was "worried about [Plaintiff's] mental health" and advised Plaintiff to sign a speedy trial waiver without appointed counsel. ECF No. 14-1 at PageID #: 82. Plaintiff contends that she did not get a preliminary hearing, but instead, "Campbell Court picked me up while incarcerated in the Mahoning County Jail to go to court for a probation violation." ECF No. 14-1 at PageID #: 81. Plaintiff states that her bond was supposed to be continued, but it was modified. ECF No. 14-1 at PageID #: 82. (4:25CV2177) Plaintiff also alleges that "[stemming] from the four counts of child endangerment," her children were removed from Campbell City Schools "with the criminal intent of Children Services of Youngstown being able to pick up my son from school by their transportation services provider." ECF No. 14-1 at PageID #: 83. Plaintiff further alleges that she was falsely accused of obstructing official business, resisting arrest, and vandalism. And apparently at some point, Judge Cunning turned the courtroom lights off, which caused Plaintiff to accept a plea deal, and "traumatized [Plaintiff] into a mental health institution, due to all of the ongoing retaliation tactics." ECF No. 14-1 at PageID #: 84. Plaintiff states in a conclusory fashion that she suffered emotional trauma "from the abuse of power and authority from Campbell City and Police." ECF No. 14-1 at PageID #: 84. Plaintiff also contends that she has been having "mail issues," and she spoke with "Tamika," reportedly the U.S. Postal Service customer relations employee, regarding her complaints with the U.S. Postal Service. Allegedly, these complaints include receiving other people's mail, not receiving some of her own mail, and receiving a letter from the district court wherein the corner of the envelope "was cracked open." ECF No. 14-1 at PageID #: 84-87. Finally, Plaintiff claims that she attempted to hire Attorney Eric D. Hall, who reviewed documents on Plaintiff's behalf. Attorney Hall, however, determined that he could not represent Plaintiff and he returned some, but not all, of Plaintiff's documents. According to the Complaint, Attorney Hall committed legal malpractice because he "didn't give the care or attention his client deserved," which left Plaintiff with no other option than to represent herself. ECF No. 14-1 at PageID #: 80-81. 3 (4:25CV2177) In the "Jurisdiction" section of her Complaint, Plaintiff provides a list of apparent constitutional violations at issue in her Complaint, including the First, Fifth, Sixth, Thirteenth, Fourteenth, and Fifteenth Amendments. Plaintiff also alleges that the "double jeopardy clause was violated." ECF No. 14-1 at PageID #: 76. Plaintiff asks the Court to terminate her probation and expunge her criminal record. Plaintiff also seeks monetary relief.

II. Analysis A. Plaintiff's State Court Conviction

1. Failure to state a claim

Plaintiff's complaint purports to assert claims calling into question the validity of her criminal conviction and she seeks immediate release from her sentence. The Supreme Court held that a civil rights action under 42 U.S.C. § 1983 is not an appropriate vehicle for a prisoner to challenge a state conviction or sentence. Rather, when a prisoner is challenging "the very fact or duration of his physical imprisonment, and the relief he [or she] seeks is a determination that he [or she] is entitled to immediate release or a speedier release from that imprisonment, his [or her] sole federal remedy is a writ of habeas corpus." *Preiser v. Rodriguez*, 411 U.S. 475, 500 (1973). Additionally, to the extent Plaintiff is seeking damages for an allegedly unconstitutional conviction or imprisonment, or for other harm caused by actions whose unlawfulness would render a conviction or sentence invalid under § 1983, she must first show that the conviction has already been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal, or called into question by a court's issuance of a writ of habeas corpus. See *Heck v. Humphrey*, 512 U.S. 477, 486 (1994). In the absence of such a showing, any complaint for 4 (4:25CV2177) damages must be dismissed. See *Wright v. Kinneary*, 46 F. App'x. 250, 252 (6th Cir. 2002) (citing *Heck*, 512 U.S. at 486-87). Here, there is no suggestion in the complaint that Plaintiff's conviction has been set aside or invalidated in any of the ways articulated in *Heck*. Therefore, as it relates to Plaintiff's state court conviction, the complaint must be dismissed. *Wright*, 46 F. App'x. at 252; see *Potts v. Olds*, No. 3:10CV1186, 2010 U.S. Dist. LEXIS 73602, *2 (N.D. Ohio July 21, 2010) (Katz, J.) (applying *Heck* and finding Plaintiff may not recover damages when the district court's decision would express an opinion as to the validity of Plaintiff's conviction and resulting probation violation). Accordingly, the Court dismisses Plaintiff's claims against Judge Kolmacic, Judge Cunning, Prosecutor Maro, Prosecutor Macala, Case Manager Luciana, the Campbell Police Department, Assistant Principal Goski, and Probation Officer Jean Darkadakis.

2. Defendants subject to dismissal

Even if Plaintiff were able to bring a civil rights action concerning her state court conviction, Plaintiff cannot maintain an action against the defendants allegedly involved. A plaintiff cannot establish the liability of any defendant absent a clear showing that the defendant was personally involved in the activities that form the basis of the alleged unconstitutional behavior. See, e.g., *Rizzo v. Goode*, 423 U.S. 362, 371 (1976); *Murphy v. Grenier*, 406 F. App'x 972, 974 (6th Cir. 2011) ("Personal involvement is necessary to establish section 1983 liability."). Plaintiff asserts no specific allegations connecting Luciana, Children Services Case Manager, or Assistant Principal Goski to any of her claims for relief. Claims against these defendants are therefore dismissed. (4:25CV2177) Additionally, Judge Kolmacic and Judge Cunning are immune from suit. It is well established that judicial officers are generally entitled to absolute immunity from civil suits for money damages. *Mireles v. Waco*, 502 U.S. 9, 9 (1991); *Barnes v. Winchell*, 105 F.3d 1111, 1115 (6th Cir. 1997). They are accorded this broad protection to ensure that the independent and impartial exercise of their judgment in a case is not impaired by the exposure to damages by

dissatisfied litigants. Barnes, 105 F.3d at 1115. For this reason, absolute immunity is overcome only when (1) the conduct alleged is performed at a time when the defendant is not acting as a Judge; or (2) the conduct alleged, although judicial in nature, is taken in complete absence of all subject matter jurisdiction of the court over which he or she presides. Mireles, 502 U.S. at 11-12; Barnes, 105 F.3d at 1116. A judge will not be deprived of immunity even if the action at issue was performed in error, done maliciously, or was in excess of his or her authority. Stump v. Sparkman, 435 U.S. 349, 356 (1978); Sevier v. Turner, 742 F.2d 262, 271 (6th Cir. 1984) (merely acting in excess of authority does not preclude immunity). Here, there is no suggestion in the complaint that Judges Kolmacic and Cuning were acting in any capacity other than that of a Judicial officer when the conduct alleged in the Complaint occurred or that the judicial officers acted clearly outside of the subject matter Jurisdiction of the court over which they preside. Judges Kolmacic and Cuning are, therefore, absolutely immune from damages in this action. Likewise, Prosecutor Maro and Prosecutor Macala are immune from suit. Prosecutors are absolutely immune from liability under § 1983 for their conduct in ““initiating a prosecution and in presenting the State’s case.”” Burns v. Reed, 500 U.S. 478, 486 (1991) (quoting Jmbler v. (4:25CV2177) Pachtman, 424 U.S. 409, 431 (1976)). So long as the prosecutor was engaged in prosecutorial functions, he or she is absolutely immune regardless of whether he or she undertook actions maliciously, in bad faith, or with an improper motive. See Jmbler, 424 U.S. at 427 n.27, 431 □□□□ (prosecutor immune after knowingly presenting perjured testimony and suppressing exculpatory evidence at trial); Joseph v. Patterson, 795 F.2d 549, 555 (6th Cir. 1986) (prosecutor immune after “knowingly obtaining issuance of criminal complaints and arrest warrants . . . based on false, coerced statements”); Grant v. Hollenbach, 870 F.2d 1135, 1139 (6th Cir. 1989) (prosecutor immune for deciding to investigate and conspiring to present false charges to the grand jury, allegedly to satisfy a campaign promise to be tough on child abuse). Plaintiff presents no facts suggesting Prosecutors Maro and Macala acted outside the confines of their prosecutorial roles. Indeed, Plaintiff asserts no specific allegations in the Complaint concerning either prosecutor. Accordingly, Prosecutors Maro and Macala are absolutely immune from suit. Similarly, absolute judicial immunity also has been extended to non-judicial officers who perform “quasi-judicial” duties. Bush v. Rauch, 38 F.3d 842, 847 (6th Cir. 1994). “Quasi-judicial immunity extends to those persons performing tasks so integral or intertwined with the judicial process that these persons are considered an arm of the Judicial officer who is immune.” /d. The fact that an error is made is immaterial. Foster v. Walsh, 864 F.2d 416, 417 (6th Cir. 1988). And probation officers are entitled to quasi-judicial immunity when determining whether an individual has violated the terms of his or her probation. See Huffer v. Bogen, 503 F. App’x. 455, 461 (6th Cir. 2012) (finding probation officers were performing a judicial function (4:25CV2177) and therefore entitled to quasi-judicial immunity when they determined that the plaintiff had violated the terms of his probation). Probation Officer Darkadakis also enjoys immunity in this action. Finally, Plaintiff cannot maintain an action against the Campbell Police Department because the police department is not sui juris, meaning it is not a

legal entity capable of being sued in its own right. See *Lawson v. City of Youngstown*, 912 F. Supp. 2d 527, 531 (N.D. Ohio 2012) (Pearson, J.) (collecting cases and holding that Ohio courts and police departments are not sui juris for purposes of suit under § 1983); *Lloyd v. City of Streetsboro*, No. 18-3485, 2018 WL 11298664, at *3 (6th Cir. Dec. 20, 2018) (“We have held that, under Ohio law, sheriff’s and police departments are not entities capable of being sued under § 1983.”). Accordingly, Plaintiff cannot maintain an action against Judge Kolmacic, Judge Cuning, Prosecutor Maro, Prosecutor Macala, Case Manager Luciana, the Campbell Police Department, Assistant Principal Goski, and Probation Officer Jean Darkadakis. B. The U.S. Mail Plaintiff’s claims against Tamika, the U.S. Postal Service employee, are unclear. Plaintiff indicates that she is receiving other people’s mail, she has not received some mail, and an envelope she received was opened. Plaintiff, however, asserts no cognizable legal claims against Tamika. Pro se pleadings are liberally construed and held to less stringent standards than formal pleadings drafted by lawyers. *Williams v. Curtin*, 631 F.3d 380, 383 (6th Cir. 2011). However, this lenient treatment generally accorded pro se pleadings “has limits.” *Pilgrim v. Littlefield*, 92 (4:25CV2177) F.3d 413, 416 (6th Cir. 1996). The courts are not required to conjure unpleaded facts or construct claims against defendants on behalf of a pro se plaintiff. See *Grinter v. Knight*, 532 F.3d 567, 577 (6th Cir. 2008) (citation omitted). To do so would require the court “to explore exhaustively all potential claims of a pro se plaintiff... and transform the district court from its legitimate advisory role to the improper role of an advocate seeking out the strongest argument and most successful strategies for a party.” *Beaudett v. City of Hampton*, 775 F.2d 1274, 1277-78 (4th Cir. 1985); see also *Erwin v. Edwards*, 22 F. App’x 579, 580 (6th Cir. 2001) (“Although liberal construction requires active interpretation of the filings of a pro se litigant, ... it... does not require a court to conjure allegations on a litigant’s behalf[.]”) (internal citations omitted). In the spirit of “active interpretation,” the Court construes Plaintiff’s claims against Tamika as a tort action against the Postal Service for the negligent mishandling of mail pursuant to the Federal Tort Claims Act (“FTCA”), see 28 U.S.C. §§ 2671-2680. Under the FTCA, the United States is liable for tort claims “in the same manner and to the same extent as a private individual under like circumstances.” 28 U.S.C. § 2674. Upon review, the Court finds that Plaintiff’s claims concerning her mail must be dismissed. A district court lacks subject matter jurisdiction over an FTCA action when the plaintiff fails to name the United States as a defendant. See 28 U.S.C. § 2679(a); *Allgeier v. United States*, 909 F.2d 869, 871 (6th Cir.1990). Here, Plaintiff has failed to name the United States as a defendant. Even if she had done so, the United States has expressly retained its sovereign immunity over claims for negligent handling of the mail that are filed under the FTCA. See 28 (4:25CV2177) U.S.C. § 2680(b) (“[t]he provisions of this chapter... shall not apply to . . . [a]ny claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter.”); *Anderson v. United States Postal Service*, 761 F.2d 527, 528 (9th Cir. 1985). Therefore, Plaintiff’s tort claims against the Postal Service for the alleged mishandling of her mail are barred by sovereign immunity and her claims against Tamika, U.S. Postal Service employee, are dismissed. C. Legal Malpractice

Plaintiff expressed dissatisfaction with Attorney Hall's review of her potential claims and the decision to decline to represent Plaintiff. She contends that Attorney Hall's conduct constitutes legal malpractice. Federal courts are courts of limited jurisdiction, empowered to decide cases that the Constitution and Congress have authorized, including cases concerning federal questions (that is, controversies arising from federal law) or diversity jurisdiction (i.e., when all plaintiffs have diverse citizenship from all defendants, and the amount in controversy exceeds \$75,000). *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994); *Johnson v. Johnson*, 157 F.4th 813, 817 (6th Cir. 2025); 28 U.S.C. § 1332(a)(1) (diversity question); 28 U.S.C. § 1331 (federal question). "Absent diversity of citizenship, federal-question jurisdiction is required." *Caterpillar Inc. v. Williams*, 482 U.S. 386, 391 (1987). Here, Plaintiff does not establish diversity of citizenship, alleging in the Amended Complaint that both she and Attorney Hall are residents of Ohio. ECF No. 14-1 at PageID #: 73. Plaintiff also fails to identify a federal question concerning her claims against Attorney Hall. The only discernible claim against Attorney Hall is one of legal malpractice, which arises under state 10 (4:25CV2177) law, not federal law. The Court therefore lacks subject matter jurisdiction over Plaintiff's claims against Attorney Hall and such claims must be dismissed. III. Conclusion For the foregoing reasons, the Court dismisses Plaintiff's claims against all defendants. Furthermore, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.. IT IS SO ORDERED. March 31, 2026 /s/ Benita Y. Pearson Date Benita Y. Pearson United States District Judge 11