

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Coleman v. Leavitt

Coleman · No. 2:25-cv-01997-RFB-MDC · Decided December 5, 2025

SUMMARY

The United States District Court for the District of Nevada grants Oronde Coleman’s application to proceed in forma pauperis. The court dismisses his § 1983 complaint without prejudice because the defendant, a state court judge, is protected by judicial immunity, and the claims may also be barred by the Heck doctrine. The court allows Coleman an opportunity to file an amended complaint and strikes the existing complaint from the record.

CASE DETAILS

COURT	United States District Court for the District of Nevada
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 5, 2025
DOCKET	2:25-cv-01997-RFB-MDC
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se state prisoner filed a civil-rights complaint under 42 U.S.C. § 1983 and applied to proceed in forma pauperis. The district court granted in forma pauperis status, screened the complaint under 28 U.S.C. § 1915(e), dismissed it without prejudice, struck it from the record, and granted leave to amend.
STANDARD OF REVIEW	The complaint was screened under 28 U.S.C. § 1915(e)(2)(B) using the Rule 12(b)(6) failure-to-state-a-claim standard. Pro se pleadings were liberally construed.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Oronde Coleman v. Michelle Leavitt, Judge

TOPICS

- motions to dismiss
- section 1983
- prisoners rights
- civil rights
- civil procedure

PRACTICE AREAS

- civil rights
- civil procedure
- criminal procedure

QUESTIONS PRESENTED

1. Whether Coleman qualified to proceed in forma pauperis under the Prison Litigation Reform Act.
2. Whether the § 1983 claims against the state-court judge were barred by absolute judicial immunity.
3. Whether the claims were also barred by the Heck doctrine because success would necessarily imply the invalidity of Coleman's criminal conviction.
4. Whether the court should exercise supplemental jurisdiction over the asserted Nevada constitutional claims after dismissal of the federal claims.
5. Whether the complaint should be struck because it identified an alleged sexual-assault victim by full name.

HOLDINGS

1. The court granted Coleman's application to proceed in forma pauperis and waived the initial filing fee because the calculated initial fee was less than \$10, while preserving his obligation to pay the full filing fee in installments.
2. The claims were barred by absolute judicial immunity because the challenged conduct occurred while Judge Leavitt was acting in her judicial capacity, and Coleman did not allege that she acted in the clear absence of all jurisdiction.
3. The claims were also likely barred by the Heck doctrine because success on Coleman's allegations concerning the criminal proceedings would necessarily imply the invalidity of his conviction, which had not been invalidated through an authorized avenue.
4. The court dismissed the state-law claims unless a federal claim was allowed to proceed because the federal claims had been dismissed and the court could decline supplemental jurisdiction.

KEY QUOTATIONS

“This absolute immunity “insulates judges from charges of erroneous acts or irregular action, even when it is alleged that such action was driven by malicious or corrupt motives... or when the exercise of judicial authority is flawed by the commission of grave procedural errors.”” (3)

“In short, a civil rights action filed by a state prisoner “is barred (absent prior invalidation) – no matter the relief sought (damages or equitable relief), no matter the target of the prisoner’s suit (state conduct leading to conviction or internal prison proceedings) – if success in that action would necessarily demonstrate the invalidity of confinement or its duration.”” (4)

FACTUAL BACKGROUND

Coleman, a state prisoner, sued Judge Michelle Leavitt under 42 U.S.C. § 1983 based on conduct during state criminal proceedings. He alleged that the judge ignored his requests for a speedy trial, prevented him from using material exculpatory evidence, and otherwise acted improperly. He also asserted claims under the Nevada Constitution and identified an alleged sexual-assault victim by full name in his complaint.

PROCEDURAL HISTORY

Coleman alleged that Judge Michelle Leavitt violated his Sixth and Fourteenth Amendment rights while presiding over his state criminal proceedings. The district court concluded that the claims were barred by judicial immunity and likely also by *Heck v. Humphrey*, dismissed the state-law claims after declining supplemental jurisdiction, struck the complaint, and allowed an amended complaint to be filed by the stated deadline.

DISPOSITION

dismissed

CASES CITED

- Taylor v. Delatoore, 281 F.3d 844, 847 (9th Cir. 2002)
- Andrews v. King, 398 F.3d 1113, 1119 (9th Cir. 2005)
- Ashcroft v. Iqbal, 556 U.S. 662, 680 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 547 (2007)
- Watison v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012)
- Buckley v. Los Angeles, 968 F.2d 791, 794 (9th Cir. 1992)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Cato v. United States, 70 F.3d 1103, 1106 (9th Cir. 1995)
- Mireles v. Waco, 502 U.S. 9, 11-12 (1991)
- In re Castillo, 297 F.3d 940, 947 (9th Cir. 2002)
- Heck v. Humphrey, 512 U.S. 477, 486-87 (1994)
- Wilkinson v. Dotson, 544 U.S. 74, 81-82 (2005)
- Rhodes v. Robinson, 621 F.3d 1002, 1005 (9th Cir. 2010)
- Loux v. Rhay, 375 F.2d 55, 57 (9th Cir. 1967)
- Doe v. JBF RAK LLC, No. 2:14-cv-00979-RFB-GWF, 2014 WL 5286512, at *5 (D. Nev. Oct. 15, 2014)
- Thomas v. Arn, 474 U.S. 140, 142 (1985)
- Martinez v. Ylst, 951 F.2d 1153, 1157 (9th Cir. 1991)
- Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983)