

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA

Grigg v. Flathead District Attorney

Grigg · No. CV 25-175-M-DWM · Decided March 12, 2026

SUMMARY

The United States District Court for the District of Montana adopts a magistrate judge’s findings and recommendation dismissing Peter Grigg’s civil rights complaint against the Flathead District Attorney with prejudice. The court holds that prosecutorial immunity applies to the alleged charging and disclosure decisions and rejects Grigg’s objections concerning immunity and his right to appeal. The court certifies that any appeal would not be taken in good faith and directs the clerk to enter a separate judgment of dismissal.

CASE DETAILS

COURT	United States District Court for the District of Montana
WRITING FOR THE COURT	Donald W. Molloy
JURISDICTION	United States District Court for the District of Montana, Missoula Division
DECIDED	March 12, 2026
DOCKET	CV 25-175-M-DWM
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations concerning screening of a civil-rights complaint under 28 U.S.C. § 1915(e)(2), considered the plaintiff's objections de novo, adopted the findings and recommendations in full, dismissed the complaint and addendum with prejudice, and certified that an appeal would not be taken in good faith.
STANDARD OF REVIEW	The district court conducted de novo review of the portions of the magistrate judge's findings and recommendations to which specific objections were made under 28 U.S.C. § 636(b)(1), and reviewed the remaining portions for clear error.
PRECEDENTIAL VALUE	unpublished district-court order; nonprecedential
PARTIES	Peter Grigg v. Flathead District Attorney

TOPICS

section 1983

civil rights

appellate procedure

standard of review

civil procedure

PRACTICE AREAS

civil rights

federal civil procedure

constitutional law

appellate procedure

government liability

QUESTIONS PRESENTED

1. Whether the plaintiff's allegations concerning prosecutorial charging decisions and nondisclosure of information were barred by absolute prosecutorial immunity under 42 U.S.C. § 1983.
2. Whether the plaintiff was denied a right to appeal when the district court provided an opportunity to object to the magistrate judge's findings and recommendations before entering final judgment.
3. Whether the magistrate judge's findings and recommendations should be adopted and the complaint dismissed under 28 U.S.C. § 1915(e)(2).

HOLDINGS

1. A prosecutor is absolutely immune from damages liability under 42 U.S.C. § 1983 for conduct within the scope of prosecutorial duties, including the alleged decisions not to charge certain people and not to disclose information to the plaintiff.
2. A party objecting to a magistrate judge's findings and recommendations must identify the challenged portions and provide argument and supporting authority; a bare statement of objection is insufficient.
3. The plaintiff was not denied a right to appeal because the magistrate judge's findings and recommendation was not a final appealable judgment and the district court followed the objection procedure required by 28 U.S.C. § 636(b)(1).

KEY QUOTATIONS

“ “[A] prosecutor enjoys absolute immunity from [§] 1983 suits for damages when he acts within the scope of his prosecutorial duties.” ” (at 2)

“The focus is therefore on “the nature of the function performed, not the identity of the actor who performed it.” ” (at 2)

“ “To qualify as advocacy, an act must be ‘intimately associated with the judicial phase of the criminal process.’ ” ” (at 2)

FACTUAL BACKGROUND

Grigg brought a civil-rights action against the Flathead District Attorney based on alleged prosecutorial conduct, including decisions not to charge certain people and failure to disclose information to him. He also asserted that he had been denied a right to appeal. The district court concluded that the challenged prosecutorial conduct fell within the scope of absolute prosecutorial immunity and that no denial of appellate rights had occurred because the court followed the procedure required by 28 U.S.C. § 636(b)(1).

PROCEDURAL HISTORY

Magistrate Judge Kathleen DeSoto recommended dismissal after screening the complaint under 28 U.S.C. § 1915(e)(2), concluding that the Flathead District Attorney was entitled to absolute prosecutorial immunity and that the federal court could not interfere with ongoing state proceedings or invalidate a state-court judgment. Grigg filed a notice of appeal before entry of a final judgment and was given an opportunity to object in the district court. After reviewing his objections and finding no clear error in the remaining portions of the recommendation, the district court adopted it and ordered dismissal with prejudice.

DISPOSITION

dismissed

CASES CITED

- Hagberg v. Astrue, 2009 WL 3386595, at *1 (D. Mont. 2009)
- Imbler v. Pachtman, 424 U.S. 409 (1976)
- Broam v. Bogan, 320 F.3d 1023 (9th Cir. 2003)
- Genzler v. Longanbach, 410 F.3d 630 (9th Cir. 2005)
- Van de Kamp v. Goldstein, 555 U.S. 335 (2009)
- Burns v. Reed, 500 U.S. 478 (1991)
- Forrester v. White, 484 U.S. 219 (1988)
- Thomas v. Arn, 474 U.S. 140 (1958)
- United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000)