

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 12-11909
Non-Argument Calendar

D.C. Docket No. 3:12-cv-00048-MCR-EMT

LAWRENCE L. BLANKENSHIP,

Plaintiff-Appellant,

versus

JOHN L. MILLER,
Circuit Court Judge,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Florida

(August 7, 2012)

Before TJOFLAT, CARNES and MARCUS, Circuit Judges.

PER CURIAM:

In this case, Lawrence L. Blankenship, proceeding *pro se*, seeks damages against John L. Miller, a judge of the Santa Rosa County Circuit Court, for the violation of his rights under the First, Fifth, Seventh, Ninth, and Fourteenth Amendments to the U. S. Constitution. The District Court dismissed Blankenship's amended complaint "because th[e] court lack[ed] jurisdiction to conduct appellate review of orders entered in state court proceedings, and because Defendant Judge John L. Miller is immune from suit." Order dated March 5, 2012. Blankenship now appeals the District Court's decision.

Blankenship's amended complaint seeks damages against Judge Miller for "deny[ing] [Blankenship] due process by refusing to consider his motion [for] oral argument." Amended Comp. at 3. "If Judge Miller [had] granted the oral argument, he [would have been] asked to explain these errors, and Judge Miller refused to do so. In fact, Judge Miller tried to deceive the Plaintiff by stating it lacked the authority to correct the errors of the lower court." *Id.* at 4. "The Circuit Appellate Judges, including Judge Miller, filed an 'ORDER RECUSE' themselves from hearing the Plaintiff's 'APPEAL'." *Id.* at 5. These allegations make it clear that Blankenship was suing Judge Miller for rulings he made, as a trial judge or as an appellate judge, in a case in which Blankenship was the plaintiff.

Judges are absolutely immune "from damages for those acts taken while

they are acting in their judicial capacity unless they acted in the ‘clear absence of all jurisdiction.’” *Bolin v. Story*, 225 F.3d 1234, 1239 (11th Cir. 2000) (quoting *Stump v. Sparkman*, 435 U.S. 349, 356-57, 98 S.Ct. 1099, 1105, 55 L.Ed.2d 331 (1978)); *see also Sibley v. Lando*, 437 F.3d 1067, 1070-71 (11th Cir. 2005). It is clear from Blankenship’s amended complaint that Judge Miller acted in his judicial capacity when he committed the acts of which Blankenship complains. Accordingly, the District Court did not err in dismissing the amended complaint and Blankenship’s case on the ground that Judge Miller is immune from suit.

AFFIRMED.