

UNITED STATES COURT OF APPEALS

MAY 21 2002

TENTH CIRCUIT

PATRICK FISHER
Clerk

CURTIS LEE COOLEY,

Plaintiff - Appellant,

v.

DENISE NAU, Laramie County Judge,

Defendant - Appellee.

No. 02-8006
(D. Ct. No. 01-CV-219)
(D. Wyoming)

ORDER AND JUDGMENT*

Before **TACHA**, Chief Circuit Judge, **EBEL**, and **LUCERO**, Circuit Judges.

After examining the briefs and the appellate record, this three-judge panel has determined unanimously that oral argument would not be of material assistance in the determination of this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

Pro se plaintiff Curtis Cooley appeals the dismissal of his civil rights lawsuit against Laramie County Judge Denise Nau. Mr. Cooley alleged that Judge Nau mistakenly found that he had violated the conditions of his probation, and

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. This court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

wrongfully confined him to a mental institution. Mr. Cooley sought \$43 million in damages. The district court dismissed the complaint as barred by absolute judicial immunity. This appeal followed.

Judges are entitled to absolute immunity from civil liability for judicial acts, “unless committed in the clear absence of all jurisdiction.” Whitesel v. Sengenberger, 222 F.3d 861, 867 (10th Cir. 2000). A judge does not act in the clear absence of all jurisdiction even if she acted in error, maliciously, or in excess of her authority. Id. Having reviewed the record, we agree with the district court that Judge Nau did not act in the clear absence of all jurisdiction. We therefore AFFIRM the ruling of the district court.

ENTERED FOR THE COURT,

Deanell Reece Tacha
Circuit Judge