

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOHN GARRETT SMITH,

Plaintiff,

v.

BOB FERGUSON,

Defendant.

SIMON, District Judge.

Case No. 3:17-cv-01189-SI

ORDER TO DISMISS

Plaintiff, an inmate at the Stafford Creek Corrections Center, brings this civil rights action seeking monetary and injunctive relief based upon his allegedly unlawful incarceration. This is the last of six cases plaintiff recently filed. As with all of his prior cases, plaintiff once again asserts that his criminal trial was unlawful. In this case, he faults the Attorney General for allowing the prosecution to occur, and asks the court to void the underlying criminal

judgment, award approximately \$17,000,000,000 in damages, imprison the Attorney General for seven years, and thereafter "banish" the Attorney General from holding public office because he is "an obviously toxic liar and thief." Complaint (31), p. 4.

The court has repeatedly advised plaintiff of the standards used to evaluate prisoner complaints and once again concludes that this case amounts to a repetitive, frivolous, malicious action. The defendant is also immune from suits for money damages. *Kalina v. Fletcher*, 522 U.S. 118, 123-25 (1997). Accordingly, the Complaint is summarily dismissed.¹ See 28 U.S.C. § 1915(e)(2).

CONCLUSION

IT IS ORDERED that plaintiff's Complaint (#1) is DISMISSED because it is frivolous and malicious. The dismissal is without leave to amend, and with prejudice as to this cause of action involving this defendant. This dismissal shall constitute a "strike" for purposes of the Prison Litigation Reform Act.

///

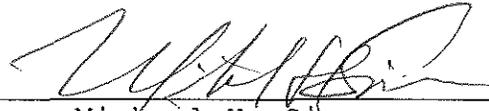
///

¹ Nothing in this Order prevents plaintiff from filing a federal habeas corpus petition once he has exhausted his state court remedies, or from seeking damages from a proper defendant should he successfully invalidate his conviction in the future.

Additionally, this court certifies that any appeal from this order would not be taken in good faith. See 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3)(A).

IT IS SO ORDERED.

DATED this 1st day of September, 2017.



Michael H. Simon
United States District Judge