

Appendix D  
UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

JUN 16 2021

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

CECILE ANDREA BROWN,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA; et al.,

Defendants-Appellees.

No. 21-35386

D.C. No. 2:21-cv-00287-JCC  
Western District of Washington,  
Seattle

ORDER

Before: SILVERMAN, NGUYEN, and R. NELSON, Circuit Judges.

Upon a review of the record, the opening brief received on May 21, 2021, and responses to the court's June 11, 2021 order, we conclude this appeal is frivolous. We therefore confirm that appellant is not entitled to proceed in forma pauperis in this appeal, and we dismiss the appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2).

All other pending motions are denied as moot.

No further filings will be entertained in this closed case.

**DISMISSED.**

*Appendix D*

UNITED STATES COURT OF APPEALS

**FILED**

FOR THE NINTH CIRCUIT

JUL 29 2021

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

CECILE ANDREA BROWN,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA, Board of  
Veteran Appeals; et al.,

Defendants-Appellees.

No. 21-35383

D.C. No. 2:21-cv-00246-JCC  
Western District of Washington,  
Seattle

ORDER

CECILE ANDREA BROWN,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA; et al.,

Defendants-Appellees.

No. 21-35386

D.C. No. 2:21-cv-00287-JCC  
Western District of Washington,  
Seattle

ORDER

Before: SILVERMAN, NGUYEN, and R. NELSON, Circuit Judges.

In light of appellant's frequent telephone calls to the court, appellant is ordered to cease contacting the court via telephone. Appellant may communicate with the court only by written communication submitted in her cases.

On June 16, 2021, we dismissed appeal Nos. 21-35383 and 21-35386 as frivolous. The June 16, 2021 order further stated that no further filings would be considered in these closed appeals.

*Appendix D*

*Accordingly, we decline to consider appellant's filings subsequent to the June 16, 2021 dismissal in appeal Nos. 21-35383 and 21-35386.*

These appeals remain closed.

Appendix D  
NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

JUL 28 2021

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

CECILE ANDREA BROWN,

Plaintiff-Appellant,

v.

JOHN C. COUGHENOUR, U.S. District  
Court Judge; UNITED STATES DISTRICT  
JUDGES CHAMBERS,

Defendants-Appellees.

No. 21-35428

D.C. No. 2:21-cv-00662-MJP

MEMORANDUM\*

Appeal from the United States District Court  
for the Western District of Washington  
Marsha J. Pechman, District Judge, Presiding

Submitted July 19, 2021\*\*

Before: SCHROEDER, SILVERMAN, and MURGUIA, Circuit Judges.

Cecile Andrea Brown appeals pro se from the district court's order  
dismissing her action alleging constitutional claims. We have jurisdiction under 28  
U.S.C. § 1291. We review de novo. *Watison v. Carter*, 668 F.3d 1108, 1112 (9th

---

\* This disposition is not appropriate for publication and is not precedent  
except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision  
without oral argument. *See* Fed. R. App. P. 34(a)(2).

Appendix D

Cir. 2012) (dismissal under 28 U.S.C. § 1915(e)(2)(B)(ii)); *Meek v. County of Riverside*, 183 F.3d 962, 965 (9th Cir. 1999) (dismissal on the basis of judicial immunity). We affirm.

The district court properly dismissed Brown's action because Judge Coughenour is entitled to judicial immunity. *See Mireles v. Waco*, 502 U.S. 9, 11-12 (1991) (judicial immunity and its limited exceptions).

The district court did not abuse its discretion by denying Brown's motion for reconsideration because Brown failed to establish any basis for relief. *See Sch. Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (standard of review and grounds for reconsideration).

No further filings will be entertained in this closed case.

**AFFIRMED.**

*Appendix D*  
UNITED STATES COURT OF APPEALS

**FILED**

FOR THE NINTH CIRCUIT

JUN 16 2021

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

CECILE ANDREA BROWN,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA; et al.,

Defendants-Appellees.

No. 21-35386

D.C. No. 2:21-cv-00287-JCC  
Western District of Washington,  
Seattle

ORDER

Before: SILVERMAN, NGUYEN, and R. NELSON, Circuit Judges.

Upon a review of the record, the opening brief received on May 21, 2021, and responses to the court's June 11, 2021 order, we conclude this appeal is frivolous. We therefore confirm that appellant is not entitled to proceed in forma pauperis in this appeal, and we dismiss the appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2).

All other pending motions are denied as moot.

No further filings will be entertained in this closed case.

**DISMISSED.**

*Appendix D*  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

JUN 16 2021

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

CECILE ANDREA BROWN,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA, Board of  
Veteran Appeals; et al.,

Defendants-Appellees.

No. 21-35383

D.C. No. 2:21-cv-00246-JCC  
Western District of Washington,  
Seattle

ORDER

Before: SILVERMAN, NGUYEN, and R. NELSON, Circuit Judges.

Upon a review of the record, the opening brief received on May 20, 2021, and the responses to the court's June 11, 2021 order, we conclude this appeal is frivolous. We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 2), *see* 28 U.S.C. § 1915(a), and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

All other pending motions are denied as moot.

No further filings will be entertained in this closed case.

**DISMISSED.**

Appendix D  
NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

JUL 28 2021

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

CECILE ANDREA BROWN,

Plaintiff-Appellant,

v.

JOHN C. COUGHENOUR, U.S. District  
Court Judge; UNITED STATES DISTRICT  
JUDGES CHAMBERS,

Defendants-Appellees.

No. 21-35428

D.C. No. 2:21-cv-00662-MJP

MEMORANDUM\*

Appeal from the United States District Court  
for the Western District of Washington  
Marsha J. Pechman, District Judge, Presiding

Submitted July 19, 2021\*\*

Before: SCHROEDER, SILVERMAN, and MURGUIA, Circuit Judges.

Cecile Andrea Brown appeals pro se from the district court's order  
dismissing her action alleging constitutional claims. We have jurisdiction under 28  
U.S.C. § 1291. We review de novo. *Watison v. Carter*, 668 F.3d 1108, 1112 (9th

---

\* This disposition is not appropriate for publication and is not precedent  
except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision  
without oral argument. *See* Fed. R. App. P. 34(a)(2).



Appendix D

Cir. 2012) (dismissal under 28 U.S.C. § 1915(e)(2)(B)(ii)); *Meek v. County of Riverside*, 183 F.3d 962, 965 (9th Cir. 1999) (dismissal on the basis of judicial immunity). We affirm.

The district court properly dismissed Brown's action because Judge Coughenour is entitled to judicial immunity. *See Mireles v. Waco*, 502 U.S. 9, 11-12 (1991) (judicial immunity and its limited exceptions).

The district court did not abuse its discretion by denying Brown's motion for reconsideration because Brown failed to establish any basis for relief. *See Sch. Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (standard of review and grounds for reconsideration).

No further filings will be entertained in this closed case.

**AFFIRMED.**

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 28 2021

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

CECILE ANDREA BROWN,

No. 21-35428

Plaintiff-Appellant,

D.C. No. 2:21-cv-00662-MJP

v.

MEMORANDUM\*

JOHN C. COUGHENOUR, U.S. District  
Court Judge; UNITED STATES DISTRICT  
JUDGES CHAMBERS,

Defendants-Appellees.

Appeal from the United States District Court  
for the Western District of Washington  
Marsha J. Pechman, District Judge, Presiding

Submitted July 19, 2021\*\*

Before: SCHROEDER, SILVERMAN, and MURGUIA, Circuit Judges.

Cecile Andrea Brown appeals pro se from the district court's order  
dismissing her action alleging constitutional claims. We have jurisdiction under 28  
U.S.C. § 1291. We review de novo. *Watison v. Carter*, 668 F.3d 1108, 1112 (9th

---

\* This disposition is not appropriate for publication and is not precedent  
except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision  
without oral argument. *See* Fed. R. App. P. 34(a)(2).

Cir. 2012) (dismissal under 28 U.S.C. § 1915(e)(2)(B)(ii)); *Meek v. County of Riverside*, 183 F.3d 962, 965 (9th Cir. 1999) (dismissal on the basis of judicial immunity). We affirm.

The district court properly dismissed Brown's action because Judge Coughenour is entitled to judicial immunity. *See Mireles v. Waco*, 502 U.S. 9, 11-12 (1991) (judicial immunity and its limited exceptions).

The district court did not abuse its discretion by denying Brown's motion for reconsideration because Brown failed to establish any basis for relief. *See Sch. Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (standard of review and grounds for reconsideration).

No further filings will be entertained in this closed case.

**AFFIRMED.**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CECILE A BROWN,

Plaintiff,

v.

JOHN C COUGHENOUR, et al.,

Defendants.

CASE NO. C21-662 MJP

ORDER DECLINING TO SERVE  
COMPLAINT AND DISMISSING  
ACTION WITH PREJUDICE

This matter comes before the Court sua sponte after reviewing the complaint filed in the above-captioned matter. Plaintiff Cecile A. Brown, acting pro se, has filed a complaint against Judge John C. Coughenour and the "U.S. District Judges Chambers" through which she seeks monetary damages. (See Complaint (Dkt. No. 6).) Although Brown has been granted leave to proceed in forma pauperis, the Court declines to serve the complaint and finds the action subject to dismissal with prejudice.

Brown's complaint alleges that Judge Coughenour and "Chambers" violated her due process rights when Judge Coughenour dismissed two civil actions that Brown filed "without

1 ruling on the merits,” terminated a motion to reopen her case, and did not give her, a pro se  
2 litigant, wide latitude in litigating her claims. (See Dkt. No. 6 at 6-11.) Brown pursues claims  
3 against Judge Coughenour and “Chambers” in their individual capacities under 42 U.S.C. §  
4 1983. (Id. at 2.) Brown seeks \$50 million in damages for what she alleges is a “wrongful  
5 termination” of her lawsuits. (Id. at 12.)

6 The Court must dismiss an in forma pauperis complaint if it fails to state a claim upon  
7 which relief may be granted or if it is frivolous. 28 U.S.C. § 1915(e)(2)(B)(i)–(ii). Here, the  
8 Court finds Brown’s complaint does not state a claim for which relief can be granted and must be  
9 dismissed because all of the claims are subject to judicial immunity. As the Supreme Court has  
10 explained:

11 this Court has consistently adhered to the rule that “judges defending against § 1983  
12 actions enjoy absolute immunity from damages liability for acts performed in their  
13 judicial capacities. Pierson v. Ray, 386 U.S. 547 [87 S.Ct. 1213, 18 L.Ed.2d 288] (1967);  
14 Stump v. Sparkman, 435 U.S. 349 [98 S.Ct. 1099, 55 L.Ed.2d 331] (1978).”

15 Dennis v. Sparks, 449 U.S. 24, 27, 101 S. Ct. 183, 186, 66 L.Ed.2d 185, 189 (1980) (quoting  
16 Supreme Court of Virginia v. Consumers Union, 446 U.S. 719, 734–735, 100 S.Ct. 1967, 1976,  
17 64 L.Ed.2d 641 (1980)). Here, Brown seeks money damages for acts that Judge Coughenour  
18 took in his judicial capacity as a Senior District Court Judge—dismissing the actions, refusing to  
19 reopen the cases, and not giving Brown wide latitude as a pro se litigant. (Dkt. No. 6 at 5, 10-12.)

20 The doctrine of judicial immunity forecloses these claims. And although Brown has checked a  
21 box stating that she is suing Judge Coughenour and “Chambers” in their individual capacities,  
22 the complaint makes clear she only challenges the acts that Judge Coughenour took in his  
23 judicial capacity. This does not allow Brown to avoid the preclusive effect of judicial immunity.

24 So while Brown has every right to disagree with the rulings made by Judge Coughenour and  
appeal those rulings to the Court of Appeals, she cannot pursue the claims alleged in her

1 complaint given the doctrine of judicial immunity. The Court therefore DISMISSES the claims  
2 with prejudice and declines to serve the complaint. See 28 U.S.C. § 1915(e)(2)(B)(i)–(ii).

3 The clerk is ordered to provide copies of this order to Plaintiff and all counsel.

4 Dated May 27, 2021.

5 

6 Marsha J. Pechman  
7 United States Senior District Judge  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

## NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 28 2021

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

CECILE ANDREA BROWN,

No. 21-35428

Plaintiff-Appellant,

D.C. No. 2:21-cv-00662-MJP

v.

MEMORANDUM\*

JOHN C. COUGHENOUR, U.S. District  
Court Judge; UNITED STATES DISTRICT  
JUDGES CHAMBERS,

Defendants-Appellees.

Appeal from the United States District Court  
for the Western District of Washington  
Marsha J. Pechman, District Judge, Presiding

Submitted July 19, 2021\*\*

Before: SCHROEDER, SILVERMAN, and MURGUIA, Circuit Judges.

Cecile Andrea Brown appeals pro se from the district court's order dismissing her action alleging constitutional claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Watison v. Carter*, 668 F.3d 1108, 1112 (9th

---

\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Cir. 2012) (dismissal under 28 U.S.C. § 1915(e)(2)(B)(ii)); *Meek v. County of Riverside*, 183 F.3d 962, 965 (9th Cir. 1999) (dismissal on the basis of judicial immunity). We affirm.

The district court properly dismissed Brown's action because Judge Coughenour is entitled to judicial immunity. *See Mireles v. Waco*, 502 U.S. 9, 11-12 (1991) (judicial immunity and its limited exceptions).

The district court did not abuse its discretion by denying Brown's motion for reconsideration because Brown failed to establish any basis for relief. *See Sch. Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (standard of review and grounds for reconsideration).

No further filings will be entertained in this closed case.

**AFFIRMED.**



**United States Court of Appeals for the Ninth Circuit**

**Office of the Clerk**  
95 Seventh Street  
San Francisco, CA 94103

**Information Regarding Judgment and Post-Judgment Proceedings****Judgment**

- This Court has filed and entered the attached judgment in your case. Fed. R. App. P. 36. Please note the filed date on the attached decision because all of the dates described below run from that date, not from the date you receive this notice.

**Mandate (Fed. R. App. P. 41; 9th Cir. R. 41-1 & -2)**

- The mandate will issue 7 days after the expiration of the time for filing a petition for rehearing or 7 days from the denial of a petition for rehearing, unless the Court directs otherwise. To file a motion to stay the mandate, file it electronically via the appellate ECF system or, if you are a pro se litigant or an attorney with an exemption from using appellate ECF, file one original motion on paper.

**Petition for Panel Rehearing (Fed. R. App. P. 40; 9th Cir. R. 40-1)****Petition for Rehearing En Banc (Fed. R. App. P. 35; 9th Cir. R. 35-1 to -3)****(1) A. Purpose (Panel Rehearing):**

- A party should seek panel rehearing only if one or more of the following grounds exist:
  - ▶ A material point of fact or law was overlooked in the decision;
  - ▶ A change in the law occurred after the case was submitted which appears to have been overlooked by the panel; or
  - ▶ An apparent conflict with another decision of the Court was not addressed in the opinion.
- Do not file a petition for panel rehearing merely to reargue the case.

**B. Purpose (Rehearing En Banc)**

- A party should seek en banc rehearing only if one or more of the following grounds exist:

- ▶ Consideration by the full Court is necessary to secure or maintain uniformity of the Court's decisions; or
- ▶ The proceeding involves a question of exceptional importance; or
- ▶ The opinion directly conflicts with an existing opinion by another court of appeals or the Supreme Court and substantially affects a rule of national application in which there is an overriding need for national uniformity.

**(2) Deadlines for Filing:**

- A petition for rehearing may be filed within 14 days after entry of judgment. Fed. R. App. P. 40(a)(1).
- If the United States or an agency or officer thereof is a party in a civil case, the time for filing a petition for rehearing is 45 days after entry of judgment. Fed. R. App. P. 40(a)(1).
- If the mandate has issued, the petition for rehearing should be accompanied by a motion to recall the mandate.
- See Advisory Note to 9th Cir. R. 40-1 (petitions must be received on the due date).
- An order to publish a previously unpublished memorandum disposition extends the time to file a petition for rehearing to 14 days after the date of the order of publication or, in all civil cases in which the United States or an agency or officer thereof is a party, 45 days after the date of the order of publication. 9th Cir. R. 40-2.

**(3) Statement of Counsel**

- A petition should contain an introduction stating that, in counsel's judgment, one or more of the situations described in the "purpose" section above exist. The points to be raised must be stated clearly.

**(4) Form & Number of Copies (9th Cir. R. 40-1; Fed. R. App. P. 32(c)(2))**

- The petition shall not exceed 15 pages unless it complies with the alternative length limitations of 4,200 words or 390 lines of text.
- The petition must be accompanied by a copy of the panel's decision being challenged.
- An answer, when ordered by the Court, shall comply with the same length limitations as the petition.
- If a pro se litigant elects to file a form brief pursuant to Circuit Rule 28-1, a petition for panel rehearing or for rehearing en banc need not comply with Fed. R. App. P. 32.

Case: 21-35428, 07/28/2021, ID: 12185284, DktEntry: 7-2, Page 3 of 4

- The petition or answer must be accompanied by a Certificate of Compliance found at Form 11, available on our website at [www.ca9.uscourts.gov](http://www.ca9.uscourts.gov) under *Forms*.
- You may file a petition electronically via the appellate ECF system. No paper copies are required unless the Court orders otherwise. If you are a pro se litigant or an attorney exempted from using the appellate ECF system, file one original petition on paper. No additional paper copies are required unless the Court orders otherwise.

#### **Bill of Costs (Fed. R. App. P. 39, 9th Cir. R. 39-1)**

- The Bill of Costs must be filed within 14 days after entry of judgment.
- See Form 10 for additional information, available on our website at [www.ca9.uscourts.gov](http://www.ca9.uscourts.gov) under *Forms*.

#### **Attorneys Fees**

- Ninth Circuit Rule 39-1 describes the content and due dates for attorneys fees applications.
- All relevant forms are available on our website at [www.ca9.uscourts.gov](http://www.ca9.uscourts.gov) under *Forms* or by telephoning (415) 355-7806.

#### **Petition for a Writ of Certiorari**

- Please refer to the Rules of the United States Supreme Court at [www.supremecourt.gov](http://www.supremecourt.gov)

#### **Counsel Listing in Published Opinions**

- Please check counsel listing on the attached decision.
- If there are any errors in a published opinion, please send a letter **in writing within 10 days** to:
  - ▶ Thomson Reuters; 610 Opperman Drive; PO Box 64526; Eagan, MN 55123 (Attn: Jean Green, Senior Publications Coordinator);
  - ▶ and electronically file a copy of the letter via the appellate ECF system by using "File Correspondence to Court," or if you are an attorney exempted from using the appellate ECF system, mail the Court one copy of the letter.

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

**Form 10. Bill of Costs**

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form10instructions.pdf>

**9th Cir. Case Number(s)**

**Case Name**

The Clerk is requested to award costs to (*party name(s)*):

I swear under penalty of perjury that the copies for which costs are requested were actually and necessarily produced, and that the requested costs were actually expended.

**Signature**

**Date**

(use "s/[typed name]" to sign electronically-filed documents)

COST TAXABLE	REQUESTED (each column must be completed)			
	No. of Copies	Pages per Copy	Cost per Page	TOTAL COST
Excerpts of Record*	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
Principal Brief(s) ( <i>Opening Brief; Answering Brief; 1st, 2nd, and/or 3rd Brief on Cross-Appeal; Intervenor Brief</i> )	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
Reply Brief / Cross-Appeal Reply Brief	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
Supplemental Brief(s)	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
Petition for Review Docket Fee / Petition for Writ of Mandamus Docket Fee				\$ <input type="text"/>
<b>TOTAL:</b>				\$ <input type="text"/>

**\*Example:** Calculate 4 copies of 3 volumes of excerpts of record that total 500 pages [Vol. 1 (10 pgs.) + Vol. 2 (250 pgs.) + Vol. 3 (240 pgs.)] as:

No. of Copies: 4; Pages per Copy: 500; Cost per Page: \$.10 (or actual cost IF less than \$.10);

TOTAL: 4 x 500 x \$.10 = \$200.

Feedback or questions about this form? Email us at [forms@ca9.uscourts.gov](mailto:forms@ca9.uscourts.gov)

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 CECILE A BROWN,

11 Plaintiff,

12 v.

13 JOHN C COUGHENOUR,

14 Defendant.

CASE NO. C21-662 MJP

ORDER DENYING MOTION TO  
REOPEN

15  
16 This matter comes before the Court on Plaintiff Cecile Brown's Motion to Reopen (Dkt.  
17 No. 9) and Plaintiff's Supplement (Dkt. No. 10). Having reviewed the Motion and Supplement,  
18 the Court DENIES the Motion.


19 Motions for reconsideration are disfavored. See Local Rule 7(h)(1). "The court will  
20 ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or  
21 a showing of new facts or legal authority which could not have been brought to its attention  
22 earlier with reasonable diligence." Id.

1 Brown has failed to demonstrate grounds for reconsideration or reopening of this matter.  
2 The Court dismissed Brown's action because the claims alleged are all subject to judicial immunity.  
3 (Dkt. No. 8.) Brown seeks reconsideration of that order and asks that the matter be reopened. (Dkt.  
4 Nos. 9 & 10.) Brown argues that dismissal can be set aside due to discovery of new evidence or due  
5 to "mistake, fraud, or misconduct by the other party occurred during the lawsuit and those bad  
6 actions resulted in the dismissal with prejudice." (Dkt. No. 9 at 2.) Brown's Motion asserts that Judge  
7 Coughenour has engaged in fraud and acted "not as judge, but as a private individual." (See id. at 3.)  
8 But nothing in Brown's complaint, Motion to Reopen, or Supplement sets forth any allegations of  
9 fraud, and Brown's complaint only contains allegations that Judge Coughenour acted negligently  
10 when he dismissed her previous suits. These claims for money damages are foreclosed by judicial  
11 immunity. (Dkt. No. 8 at 2 (citing Dennis v. Sparks, 449 U.S. 24, 27, 101 S. Ct. 183, 186, 66 L.Ed.2d  
12 185, 189 (1980)).) The Court finds no grounds to reopen this matter and therefore DENIES the  
13 Motion to Reopen.

14 The Court notes that Brown may appeal this Order and the Order of Dismissal (Dkt. No. 8) to  
15 the U.S. Court of Appeals for the Ninth Circuit. (See generally  
16 [https://www.ca9.uscourts.gov/forms/pro\\_se\\_litigants.php](https://www.ca9.uscourts.gov/forms/pro_se_litigants.php)). But further motions to reopen this matter  
17 will not be considered.

18 The clerk is ordered to provide copies of this order to Plaintiff and all counsel.

19 Dated June 2, 2021.

20 

21 Marsha J. Pechman  
22 United States Senior District Judge  
23  
24

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CECILE A BROWN,

Plaintiff,

v.

JOHN C COUGHENOUR, et al.,

Defendants.

CASE NO. C21-662 MJP

ORDER DECLINING TO SERVE  
COMPLAINT AND DISMISSING  
ACTION WITH PREJUDICE

This matter comes before the Court sua sponte after reviewing the complaint filed in the above-captioned matter. Plaintiff Cecile A. Brown, acting pro se, has filed a complaint against Judge John C. Coughenour and the “U.S. District Judges Chambers” through which she seeks monetary damages. (See Complaint (Dkt. No. 6).) Although Brown has been granted leave to proceed in forma pauperis, the Court declines to serve the complaint and finds the action subject to dismissal with prejudice.

Brown’s complaint alleges that Judge Coughenour and “Chambers” violated her due process rights when Judge Coughenour dismissed two civil actions that Brown filed “without

1 ruling on the merits,” terminated a motion to reopen her case, and did not give her, a pro se  
2 litigant, wide latitude in litigating her claims. (See Dkt. No. 6 at 6-11.) Brown pursues claims  
3 against Judge Coughenour and “Chambers” in their individual capacities under 42 U.S.C. §  
4 1983. (Id. at 2.) Brown seeks \$50 million in damages for what she alleges is a “wrongful  
5 termination” of her lawsuits. (Id. at 12.)

6 The Court must dismiss an in forma pauperis complaint if it fails to state a claim upon  
7 which relief may be granted or if it is frivolous. 28 U.S.C. § 1915(e)(2)(B)(i)–(ii). Here, the  
8 Court finds Brown’s complaint does not state a claim for which relief can be granted and must be  
9 dismissed because all of the claims are subject to judicial immunity. As the Supreme Court has  
10 explained:

11 this Court has consistently adhered to the rule that “judges defending against § 1983  
12 actions enjoy absolute immunity from damages liability for acts performed in their  
13 judicial capacities. Pierson v. Ray, 386 U.S. 547 [87 S.Ct. 1213, 18 L.Ed.2d 288] (1967);  
14 Stump v. Sparkman, 435 U.S. 349 [98 S.Ct. 1099, 55 L.Ed.2d 331] (1978).”

15 Dennis v. Sparks, 449 U.S. 24, 27, 101 S. Ct. 183, 186, 66 L.Ed.2d 185, 189 (1980) (quoting  
16 Supreme Court of Virginia v. Consumers Union, 446 U.S. 719, 734–735, 100 S.Ct. 1967, 1976,  
17 64 L.Ed.2d 641 (1980)). Here, Brown seeks money damages for acts that Judge Coughenour  
18 took in his judicial capacity as a Senior District Court Judge—dismissing the actions, refusing to  
19 reopen the cases, and not giving Brown wide latitude as a pro se litigant. (Dkt. No. 6 at 5, 10-12.)

20 The doctrine of judicial immunity forecloses these claims. And although Brown has checked a  
21 box stating that she is suing Judge Coughenour and “Chambers” in their individual capacities,  
22 the complaint makes clear she only challenges the acts that Judge Coughenour took in his  
23 judicial capacity. This does not allow Brown to avoid the preclusive effect of judicial immunity.  
24 So while Brown has every right to disagree with the rulings made by Judge Coughenour and  
appeal those rulings to the Court of Appeals, she cannot pursue the claims alleged in her



1 complaint given the doctrine of judicial immunity. The Court therefore DISMISSES the claims  
2 with prejudice and declines to serve the complaint. See 28 U.S.C. § 1915(e)(2)(B)(i)–(ii).

3 The clerk is ordered to provide copies of this order to Plaintiff and all counsel.

4 Dated May 27, 2021.

5 

6 Marsha J. Pechman  
7 United States Senior District Judge  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24