IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 26-10166-J

JOSHUA COLEMAN,

Plaintiff - Appellant,

versus

ATTORNEY KONRAD ZIEGLER,
ASST. DIS. AT. STEPHANIE ADREAN,
DIS. AT. VICTOR REYNOLDS,
JUDGE MARY STALEY,
ATTORNEY ARTHUR FUDGER, et al.,

Defendants - Appellees.

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

ORDER: Pursuant to the 11th Cir. R. 42-1(b), this appeal is DISMISSED for want of prosecution because the Appellant Joshua Coleman failed to pay the filing and docketing fees (or file a motion in the district court for relief from the obligation to pay in advance the full fee) to the district court and failed to comply with the rules on Certificates of Interested Persons and Corporate Disclosure Statements within the time fixed by the rules.

Effective February 17, 2026.

DAVID J. SMITH
Clerk of Court of the United States Court
of Appeals for the Eleventh Circuit

FOR THE COURT - BY DIRECTION

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JOSHUA COLEMAN,
Plaintiff,

v.

ATTORNEY KONRAD ZIEGLER, et al.,
Defendants.

CIVIL ACTION NO.
1:25-cv-6318-WMR-CMS

ORDER AND FINAL REPORT AND RECOMMENDATION

Plaintiff Joshua Coleman has filed a civil rights complaint pursuant to 42 U.S.C. § 1983. [Doc. 1]. Coleman did not pay the filing fee or file an application to proceed in forma pauperis. However, I will **GRANT** leave to proceed in forma pauperis for the purposes of dismissal only.

This matter is before the Court for initial screening pursuant to 28 U.S.C. § 1915A. For the reasons stated below, I **RECOMMEND** that this action be **DISMISSED**.

I. BACKGROUND

Coleman brings several claims pertaining to his state court criminal proceedings in the Superior Court of Cobb County and his subsequent appeal. [Doc. 1]. Coleman raises claims against the trial court judge, prosecuting attorneys, his criminal defense counsel, and his appellate counsel for violations of his Fifth, Sixth,

and Fourteenth Amendment rights. [*Id.*]. According to Coleman, his appellate counsel "purposely flawed" his appeal by failing to raise certain claims; his trial counsel "purposely and unlawfully flawed [his] defense while being funded by [the] District Attorney Victor Reynolds to sabotage [Coleman's] trial;" his trial counsel conspired with the prosecuting attorneys and the judge to sabotage Coleman's trial; the judge acted unlawfully by buying lunch for the jury; the prosecuting attorney influenced the jurors to "only vote guilty;" and the prosecuting attorney "flawed [Coleman's] defense" by "funding court appointed criminal defense attorneys in order to sabotage the defense of criminal case defendants." [*Id.* at 4–6]. Coleman does not describe what type of relief he seeks in this action, and instead simply states "jury trial determination." [*Id.* at 7].

II. LEGAL STANDARD

Pursuant to 28 U.S.C. § 1915A, a federal court is required to conduct an initial screening of a prisoner complaint to determine whether the action is (1) frivolous or malicious; (2) fails to state a claim on which relief may be granted; or (3) seeks monetary relief against a defendant who is immune from such relief.

"To avoid dismissal for failure to state a claim, a complaint must include factual content that allows the court to draw the reasonable inference that the defendant is liable for the alleged misconduct." *Waldman v. Conway*, 871 F.3d 1283,

1289 (11th Cir. 2017). A well-pleaded complaint "requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007). "Nor does a complaint suffice if it tenders naked assertions devoid of further factual enhancement." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (brackets and internal quotation marks omitted). Ultimately, a plaintiff must plead "enough facts to state a claim to relief that is plausible on its face." *Twombly*, 550 U.S. at 570. A complaint describing misconduct that is merely possible, as opposed to plausible, "has alleged—but it has not shown—that the pleader is entitled to relief." *Iqbal*, 556 U.S. at 679 (brackets and internal quotation marks omitted). Similarly, "an unadorned, the-defendant-unlawfully-harmed-me accusation" is insufficient to "nudge[]" a claim "across the line from conceivable to plausible." *Twombly*, 550 U.S. at 570; *Iqbal*, 556 U.S. at 678.

In reviewing whether a plaintiff has stated a claim, the Court presumes the truth of a plaintiff's non-frivolous factual allegations, construing them in the plaintiff's favor. *Bingham v. Thomas*, 654 F.3d 1171, 1175 (11th Cir. 2011). Additionally, the Court holds *pro se* pleadings to a less stringent standard than pleadings drafted by lawyers, *id.*, but "this leniency does not give a court license to serve as *de facto* counsel for a party, or to rewrite an otherwise deficient pleading in

order to sustain an action." *Campbell v. Air Jamaica Ltd.*, 760 F.3d 1165, 1168–69 (11th Cir. 2014) (internal quotation marks and citation omitted).

To state a claim for relief under § 1983, a plaintiff must show that (1) an act or omission deprived him of a right, privilege, or immunity secured by the Constitution or a statute of the United States; and (2) the deprivation occurred under color of state law. *Lane v. Philbin*, 835 F.3d 1302, 1307 (11th Cir. 2016).

III. DISCUSSION

Coleman raises claims against his trial counsel, Arthur Fudger, and appellate counsel, Konrad Ziegler. [Doc. 1 at 4–6]. However, Fudger and Ziegler are not appropriate defendants in a § 1983 action. "To state a claim for relief under section 1983, a plaintiff must allege that a person acting under color of state law deprived him of a federal right." *McIndoo v. Broward Cnty.*, 750 F. App'x 816, 819 (11th Cir. 2018). Fudger and Ziegler "d[id] not act under color of state law when performing a lawyer's traditional functions as counsel to [Coleman] in his criminal proceeding. Because [they are] based on such activities, the [claims] against [them] must be dismissed." *Polk Cnty. v. Dodson*, 454 U.S. 312, 325 (1981); *see also McIndoo*, 750 F. App'x at 820 ("That Mathis-Scarbrough and Curry were appointed by the state court is also insufficient by itself to transform them into state actors."). Accordingly,

because they are not state actors for the purposes of § 1983, Coleman's claims against Fudger and Ziegler should be dismissed.

Coleman also brings claims against District Attorney Victor Reynolds and Assistant District Attorney Stephanie Adrean. [Doc. 1 at 5–6]. However, to the extent that Coleman challenges Reynolds's and Adrean's conduct in prosecuting him, those defendants are entitled to absolute prosecutorial immunity. *Mikko v. City of Atlanta, Georgia*, 857 F.3d 1136, 1142 (11th Cir. 2017) ("A prosecutor is immune from liability under § 1983 for his actions in initiating a prosecution and in presenting the State's case, and for actions that are intimately associated with the judicial phase of the criminal process.") (internal citations and quotation marks omitted). Because Reynolds and Adrean are entitled to prosecutorial immunity, Coleman's claims against Reynolds and Adrean should be dismissed.

Finally, Coleman claims that Judge Mary Staley "purposefully flawed [his] defense" by showing bias and antagonism against him during trial. [Doc. 1 at 6]. Coleman does not explain how Judge Staley "showed [him] bias and deep-seated antagonism[.]" [*Id.*]. Coleman also claims that Judge Staley "went outside her job duty and immunity" by purchasing lunch for the jurors. [*Id.* at 5–6]. Coleman does not explain how purchasing lunch for the jurors violated his constitutional rights, or otherwise affected him or his case. Judge Staley is entitled to "absolute immunity

from suit for judicial acts performed within the jurisdiction of [her] court." *McCullough v. Finley*, 907 F.3d 1324, 1330 (11th Cir. 2018); *see also Stump v. Sparkman*, 435 U.S. 349, 356–57, 359, 363 (1978) ("A judge will not be deprived of immunity because the action [she] took was in error, was done maliciously, or was in excess of [her] authority; rather, [she] will be subject to liability only when [she] has acted in the clear absence of all jurisdiction. . . . A judge is absolutely immune from liability for [her] judicial acts even if [her] exercise of authority is flawed by the commission of grave procedural errors. . . . Disagreement with the action taken by the judge, however, does not justify depriving that judge of [her] immunity.") (internal quotation marks and citations omitted). However, even if Judge Staley did "act[] in the clear absence of all jurisdiction" by purchasing lunch for the jurors, *id.* at 357, Coleman has failed to state a plausible claim that by doing so Judge Staley violated his rights. Accordingly, Coleman's claims against Judge Staley should be dismissed.

Although he demands a jury trial and therefore presumably seeks monetary relief, Coleman does not specify what type of relief he seeks. *See* [Doc. 1 at 7]. If Coleman seeks to challenge his conviction, this relief is not available in a civil rights action. "Simply put, if the relief sought by the inmate would either invalidate his conviction or sentence or change the nature or duration of his sentence, the inmate's

claim must be raised in a § 2254 habeas petition, not a § 1983 civil rights action." *Boyd v. Warden, Holman Corr. Facility*, 856 F.3d 853, 865 (11th Cir. 2017).

Construing Coleman's complaint liberally, as the Court is required to do at this stage in the proceedings, Coleman has failed to state a claim and this action is subject to dismissal under § 1915A.

IV. CONCLUSION

For the reasons stated above, I **RECOMMEND** that this action be **DISMISSED** under § 1915A.

SO ORDERED AND RECOMMENDED, this 21st day of November, 2025.

Catherine M. Salinas
United States Magistrate Judge