



Judicial Immunity Tip Sheet

Q: Can I sue the federal or state court judge for money damages for unfairly deciding my case?

A: No. Federal and state court judges have absolute immunity for judicial acts performed in their judicial capacities.

Q: But what if the judge acted maliciously or made an error in deciding my case?

A: No. The judge is still immune from lawsuit, even if you allege that the judge

- Acted in bad faith;
- Acted maliciously;
- Made a mistake;
- Acted corruptly; *or*
- Acted in excess of his authority.

Bonus tip: Use the PACER computer terminal to read cases from this court on judicial immunity:

Exception: A judge is *not immune* from lawsuit in the following two limited cases:

- (1) For actions that the judge did *not* take in his judicial capacity; and
- (2) For judicial actions where the judge acted “in the complete absence of jurisdiction.”

This Tip Sheet is designed to provide information to pro se civil litigants in Colorado and is current as of 6/18/18. It is not a substitute for legal advice from an experienced attorney. If you have any questions, please call the Federal Pro Se Clinic at (303) 380-8786.