# Question

Judicial immunity is intended to protect independent judicial decision-making, not to shield judges from liability for egregious, nonjudicial, or jurisdictionless conduct. Courts have recognized that judicial immunity does not extend to acts that are nonjudicial or taken in the complete absence of jurisdiction, to preserve the integrity of the judiciary and protect litigants from abuse. (Stump v. Sparkman, 435 U.S. 349 (1978); Mireles v. Waco, 502 U.S. 9 (1991)). Allowing immunity for fraudulent or coercive acts taken without jurisdiction would undermine public confidence in the judiciary and is not supported by precedent.

# Answer (Fifth Circuit)

# Short response

Judicial immunity is not absolute: it does not protect judges from liability for actions that are nonjudicial in nature or taken in the complete absence of all jurisdiction. This limitation is well established in Supreme Court and Fifth Circuit precedent, which consistently holds that immunity is designed to safeguard independent judicial decision-making, not to shield judges from accountability for egregious, fraudulent, or jurisdictionless conduct.

# Summary

The doctrine of judicial immunity exists to ensure that judges can make decisions independently and without fear of personal liability, thereby protecting the integrity of the judicial process. However, courts have repeatedly emphasized that this immunity is not unlimited: it does not extend to acts that are nonjudicial or to actions taken in the complete absence of jurisdiction, as such conduct falls outside the core purpose of the doctrine and would undermine public trust in the judiciary.

Supreme Court cases such as Stump v. Sparkman and Mireles v. Waco, as well as numerous Fifth Circuit and district court decisions, have consistently reaffirmed these two exceptions to judicial immunity. The distinction between acts taken in excess of jurisdiction (which are generally immune) and those taken in the clear absence of all jurisdiction (which are not) is critical, as is the requirement that the act in question be judicial in nature. This framework ensures that judges remain protected when acting within their lawful authority, but are not insulated from liability for egregious abuses of power or for conduct wholly outside their judicial role.

# Background and Relevant Law

## Case Law

The doctrine of judicial immunity in the United States is rooted in the need to protect judges from personal liability for their judicial acts, thereby allowing them to exercise independent judgment without fear of retribution. However, the Supreme Court and lower federal courts have long recognized that this immunity is not absolute.

The leading Supreme Court authorities are Stump v. Sparkman, 435 U.S. 349 (1978), and Mireles v. Waco, 502 U.S. 9 (1991). These cases, as well as subsequent Fifth Circuit and district court decisions, establish two critical exceptions to judicial immunity:

1. **Nonjudicial Acts**: Judges are not immune from liability for actions that are not taken in their judicial capacity. The determination of whether an act is judicial depends on the nature of the act itself, not merely the identity of the actor or the context in which it occurs. For example, acts motivated by personal objectives or undertaken outside the context of a judicial proceeding are not protected (Harper v. Merckle, 638 F.2d 848 (5th Cir. 1981)).

2. **Complete Absence of Jurisdiction**: Even if an act is judicial in nature, immunity does not apply if the judge acts in the complete absence of all jurisdiction. The distinction between acts in excess of jurisdiction (which remain protected) and acts in the clear absence of jurisdiction (which are not) is well established. For instance, a criminal court judge convicting a defendant of a nonexistent crime acts in excess of jurisdiction and is immune, but a probate judge trying a criminal case acts in the clear absence of jurisdiction and is not (Brewer v. Blackwell, 692 F.2d 387 (5th Cir. 1982); Stump v. Sparkman, 435 U.S. 349 (1978)).

These principles are consistently reaffirmed in recent district court decisions within the Fifth Circuit, which repeatedly cite Mireles and Stump as controlling authority (Andrews v. Murphy, 1-23-CV-0950-RP (W.D. Tex. Nov 15, 2023); Foreman v. United States Marshal's Serv., Civil Action 23-0817 (E.D. La. Jun 07, 2023); Nat'l Ass'n for the Advancement of Colored People v. Reeves, Civil Action 3:23-CV-272-HTW-LGI (S.D. Miss. Jun 01, 2023); Ellsberry v. Stewart, Civil Action 1:21-cv-00385-BWR (S.D. Miss. Mar 06, 2023); Campbell v. Booth, Civil Action 2:22-CV-00052 (S.D. Tex. Apr 15, 2022); Gokey v. Economidy, SA-21-CV-00987-XR (W.D. Tex. Feb 08, 2022)).

The Fifth Circuit has also provided detailed guidance on the application of these exceptions, emphasizing that the policy behind judicial immunity is to protect judicial independence, not to provide a shield for egregious or abusive conduct (Davis v. Tarrant County, Tex., 565 F.3d 214 (5th Cir. 2009); Ballard v. Wall, 413 F.3d 510 (5th Cir. 2005); Malina v. Gonzales, 994 F.2d 1121 (5th Cir. 1993)).

It is important to note that [Malina v. Gonzales](#) was reheard by the Fifth Circuit in [Malina v. Gonzales](#), 1 F.3d 304 (5th Cir. 1993). However, the core holding regarding the exceptions to judicial immunity—nonjudicial acts and acts taken in the complete absence of jurisdiction—remains consistent with Supreme Court precedent and is reaffirmed in subsequent cases.

## Secondary Materials

Secondary sources further clarify the doctrine's boundaries. They explain that judicial immunity is available only when judges act within their judicial function and jurisdiction, and that immunity does not extend to acts outside the court's reach or to nonjudicial conduct (Judicial Immunity (2005); [What kind of immunity? Federal officers, state criminal law, and the Supremacy Clause.](#) (2003); Immunity Under Section 1983, Vol. 65 No. 06 Pg. 30 (1996); [When the Defendant Is the Judge](#), [Vol. 18 No. 9 Pg. 1747](#) (1989)). These materials reinforce the distinction between acts in excess of jurisdiction (which are immune) and acts in the clear absence of jurisdiction (which are not), and emphasize that only judicial acts are protected.

# Analysis

## Purpose and Scope of Judicial Immunity

The primary purpose of judicial immunity is to protect judges from personal liability for their judicial acts, thereby ensuring that they can make decisions independently and without fear of personal consequences ([Nat'l Ass'n for the Advancement of Colored People v. Reeves](#), Civil Action 3:23-CV-272-HTW-LGI (S.D. Miss. Jun 01, 2023)). This protection is essential to the functioning of the judiciary, as it allows judges to rule impartially and without undue influence.

However, the doctrine is not intended to provide a blanket shield for all conduct by judges. The Supreme Court and lower courts have consistently held that judicial immunity does not extend to actions that are nonjudicial in nature or taken in the complete absence of jurisdiction. This limitation is critical to maintaining public confidence in the judiciary and ensuring that judges are held accountable for egregious abuses of power.

## The Two Exceptions: Nonjudicial Acts and Absence of Jurisdiction

### Nonjudicial Acts

Judicial immunity does not apply to actions that are not taken in a judge's judicial capacity. The determination of whether an act is judicial depends on the nature of the act itself, not merely the context or the identity of the actor. For example, if a judge uses their office to pursue personal objectives or acts outside the context of a judicial proceeding, such conduct is not protected ([Harper v. Merckle, 638 F.2d 848 (5th Cir. 1981)](#)). The Fifth Circuit has emphasized that when a judge acts out of personal motivation

and not in response to a party invoking the judicial process, those acts are nonjudicial and not immune.

This principle is consistently reaffirmed in recent district court decisions, which hold that judicial immunity is overcome when the actions in question are nonjudicial (Andrews v. Murphy, 1-23-CV-0950-RP (W.D. Tex. Nov 15, 2023); Foreman v. United States Marshal's Serv., Civil Action 23-0817 (E.D. La. Jun 07, 2023); Jones v. Wallace, Civil Action 22-1753 (E.D. La. Aug 08, 2022); Leone v. Magistrate Judges of Travis Cnty. Circuit Court, A-18-CA-560-LY (W.D. Tex. Aug 08, 2018)).

**Complete Absence of Jurisdiction**

Even if an act is judicial in nature, immunity does not apply if the judge acts in the complete absence of all jurisdiction. The distinction between acts in excess of jurisdiction (which are immune) and acts in the clear absence of jurisdiction (which are not) is well established. For example, a judge who acts outside the subject matter jurisdiction of their court—such as a probate judge presiding over a criminal trial—acts in the clear absence of jurisdiction and is not protected by judicial immunity (Brewer v. Blackwell, 692 F.2d 387 (5th Cir. 1982); Stump v. Sparkman, 435 U.S. 349 (1978)).

This principle is consistently applied in both appellate and district court decisions within the Fifth Circuit (Davis v. Tarrant County, Tex., 565 F.3d 214 (5th Cir. 2009); Ballard v. Wall, 413 F.3d 510 (5th Cir. 2005); Friston v. MDOC, CAUSE NO. 1:17-cv-329-HSO-JCG (S.D. Miss. Apr 02, 2019); Felton v. Wells Fargo Bank, CAUSE NO. 5:12-cv-139(DCB)(MTP) (S.D. Miss. Sep 27, 2013); Calderon v. Bandera Cnty., CIVIL NO. SA-14-CA-881-XR (PMA) (W.D. Tex. Dec 01, 2014)).

## Distinction Between Excess of Jurisdiction and Absence of Jurisdiction

The distinction between acts in excess of jurisdiction and acts in the clear absence of jurisdiction is critical. Acts in excess of jurisdiction—where a judge has some arguable basis for authority—are generally protected by immunity, even if the judge acts erroneously, maliciously, or corruptly (Stump v. Sparkman, 435 U.S. 349 (1978); Immunity Under Section 1983, Vol. 65 No. 06 Pg. 30 (1996)). In contrast, acts taken in the clear absence of all jurisdiction—where the judge has no authority whatsoever—are not protected (Brewer v. Blackwell, 692 F.2d 387 (5th Cir. 1982); Holloway v. Walker, 765 F.2d 517 (5th Cir. 1985)).

This distinction is illustrated by the example, cited in both case law and secondary materials, of a probate judge presiding over a criminal trial. Such an act is so far outside the judge's jurisdiction that immunity does not apply (Brewer v. Blackwell, 692 F.2d 387 (5th Cir. 1982); Judicial Immunity (2000)).

## Policy Considerations

The rationale for these exceptions is to preserve the integrity of the judiciary and protect litigants from abuse. Allowing immunity for fraudulent, coercive, or egregious acts taken without jurisdiction would undermine public confidence in the judicial system and is not supported by precedent ([Nat'l Ass'n for the Advancement of Colored People v. Reeves](#), Civil Action 3:23-CV-272-HTW-LGI (S.D. Miss. Jun 01, 2023); [Ballard v. Wall, 413 F.3d 510 (5th Cir. 2005)](#)). The courts have repeatedly emphasized that the doctrine is intended to protect legitimate judicial decision-making, not to provide a shield for conduct that falls outside the bounds of judicial authority.

### Application to Fraudulent or Coercive Acts

The proposition specifically raises the issue of fraudulent or coercive acts taken without jurisdiction. The authorities make clear that judicial immunity does not extend to such conduct. If a judge engages in fraudulent or coercive acts that are nonjudicial or taken in the complete absence of jurisdiction, immunity does not apply ([Harper v. Merckle, 638 F.2d 848 (5th Cir. 1981)](#); [Holloway v. Walker, 765 F.2d 517 (5th Cir. 1985)](#)). This ensures that judges are held accountable for egregious abuses of power and that the doctrine of judicial immunity does not become a tool for shielding misconduct.

# Exceptions and Caveats

While the exceptions to judicial immunity are well established, courts have cautioned that the determination of whether an act is judicial or taken in the absence of jurisdiction can be fact-specific. The term "jurisdiction" is construed broadly to protect judicial independence, and immunity is not lost simply because a judge acts in error, with malice, or in excess of authority ([Holloway v. Walker, 765 F.2d 517 (5th Cir. 1985)](#); Stump v. Sparkman, 435 U.S. 349 (1978)). Only when there is a clear absence of all jurisdiction does immunity fail.

Additionally, while [Malina v. Gonzales](#) ([994 F.2d 1121](#) (5th Cir. 1993)) was reheard by the Fifth Circuit, the core principles regarding the exceptions to judicial immunity remain consistent with Supreme Court precedent and are reaffirmed in subsequent cases. The rehearing does not undermine the authority of the general rule that immunity does not apply to nonjudicial acts or acts taken in the complete absence of jurisdiction.

# Conclusion

Judicial immunity is a foundational doctrine designed to protect the independence of the judiciary by shielding judges from personal liability for their judicial acts. However, this immunity is not absolute. Supreme Court and Fifth Circuit precedent, as well as consistent district court decisions, establish that immunity does not extend to nonjudicial acts or to actions taken in the complete absence of jurisdiction. These exceptions are essential

to maintaining public confidence in the judiciary and ensuring that judges are held accountable for egregious abuses of power. Allowing immunity for fraudulent or coercive acts taken without jurisdiction would undermine the very integrity the doctrine is meant to protect and is not supported by precedent. The law thus strikes a careful balance: it protects judges when acting within their lawful authority, but does not insulate them from liability for conduct that falls outside the core functions of the judicial office.

# Legal Authorities

[Nat&#39;l Ass&#39;n for the Advancement of Colored People v. Reeves, Civil Action 3:23-CV-272-HTW-LGI (S.D. Miss. Jun 01, 2023)](#)

**U.S. District Court — Southern District of Mississippi**

## Extract

The Doctrine of Judicial Immunity was created to ameliorate these concerns, with the aim of granting judges freedom to make independent judicial decisions based on the law, without fear of prosecution or other external factors... The Mireles holding states that '[t]here are only two circumstances under which judicial immunity may be overcome. First, a judge is not immune from liability for nonjudicial action, i.e., actions not taken in the judge's judicial capacity. Second, a judge is not immune for actions, although judicial in nature, taken in the complete absence of all jurisdiction'.

## Summary

Purpose of judicial immunity, emphasizing that it is meant to protect judges in their decision-making process, not to shield them from liability for actions that are nonjudicial or taken without jurisdiction. The passage cites the Mireles decision, which clearly outlines the exceptions to judicial immunity, supporting the proposition that immunity does not cover nonjudicial acts or acts taken in the absence of jurisdiction.

[Malina v. Gonzales, 994 F.2d 1121 (5th Cir. 1993)](#)

**U.S. Court of Appeals — Fifth Circuit**

## Extract

Absolute judicial immunity extends to all judicial acts that are not performed in the clear absence of all jurisdiction. ... Thus, a judge has no immunity (1) for actions taken outside of his judicial capacity, or (2) for actions that are judicial in nature, but occur in the complete absence of all jurisdiction. ... Furthermore, the factors that support immunity for judicial acts are not implicated by Judge Gonzales's conduct. ... I would therefore hold that Judge Gonzales is not judicially immune for the issuance of the contempt citation

and sentencing, because these 'actions ... [were] taken in the complete absence of all jurisdiction.' Mireles, --- U.S. at ----, 112 S.Ct. at 288.

## Summary

The passage from "Malina v. Gonzales" clearly outlines the conditions under which judicial immunity does not apply: actions taken outside of judicial capacity or in the complete absence of jurisdiction. This aligns with the proposition that judicial immunity is not meant to shield judges from liability for nonjudicial or jurisdictionless conduct. The case specifically discusses the lack of immunity for actions taken without jurisdiction, reinforcing the idea that such immunity is not absolute and is intended to protect judicial decision-making integrity.

[Felton v. Wells Fargo Bank, CAUSE NO. 5:12-cv-139(DCB)(MTP) (S.D. Miss. Sep 27, 2013)](#)

**U.S. District Court — Southern District of Mississippi**

## Extract

Such absolute immunity 'can be overcome only by showing that the actions complained of were nonjudicial in nature or by showing that the actions were taken in the complete absence of all jurisdiction.' Boyd, 31 F.3d at 284-85 (citing Mireles v. Waco, 502 U.S. 9, 11-12 (1991); Forrester, 484 U.S. at 220-21). 'A judge's acts are judicial in nature if they are 'normally performed by a judge and the parties affected dealt with the judge in his judicial capacity.' Boyd, at 285 (quoting Mireles, 502 U.S. at 12; Stump v. Sparkman, 435 U.S. 349, 362 (1978)).

## Summary

Absolute judicial immunity can be overcome if the actions in question were nonjudicial or taken in the complete absence of jurisdiction. This aligns with the proposition that judicial immunity is not intended to shield judges from liability for such conduct. The passage references key cases, including Mireles v. Waco and Stump v. Sparkman, which are foundational to the understanding of judicial immunity and its limitations. The context of the passage within a federal district court decision further supports its applicability to the proposition.

[Brewer v. Blackwell, 692 F.2d 387 (5th Cir. 1982)](#)

**U.S. Court of Appeals — Fifth Circuit**

## Extract

This immunity extends to Justices of the Peace as well as those who sit on the Supreme Court, Turner v. Raynes, 611 F.2d 92 (5th Cir.) cert. denied, 449 U.S. 900, 101 S.Ct. 269, 66 L.Ed.2d 129 (1980), and shields judges unless they act either in 'the clear absence of all jurisdiction over the subject matter' or in a nonjudicial capacity. ... When, however, judicial officers act in a 'nonjudicial' capacity, they are not immune from liability for that conduct. ... The Stump Court distinguished between 'excess' and 'clear absence' of jurisdiction by quoting the example given by the Bradley Court. Thus, a criminal court judge who convicts a defendant of a nonexistent crime acts in excess of jurisdiction and is absolutely immune. ... But a probate judge who tries and convicts a defendant of a crime acts in the clear absence of jurisdiction and enjoys no immunity.

## Summary

The passage from "Brewer v. Blackwell" clearly outlines the conditions under which judicial immunity does not apply, specifically when judges act in a nonjudicial capacity or in the clear absence of jurisdiction. This aligns with the proposition that judicial immunity is not meant to shield judges from liability for egregious conduct that falls outside their judicial role. The passage also references the distinction made in "Stump v. Sparkman" between acts in excess of jurisdiction and those in the clear absence of jurisdiction, further supporting the proposition.

[Harper v. Merckle, 638 F.2d 848 (5th Cir. 1981)](#)

**U.S. Court of Appeals — Fifth Circuit**

## Extract

Stump and McAlester, the guiding lights in our analysis, point in one direction: Judge Merckle's actions on August 16, 1974 were not 'judicial acts.' But we caution that our holding is exceedingly narrow and is tailored to this, the rarest of factual settings. Succinctly stated, we hold only that when it is beyond reasonable dispute that a judge has acted out of personal motivation and has used his judicial office as an offensive weapon to vindicate personal objectives, and it further appears certain that no party has invoked the judicial machinery for any purpose at all, then the judge's actions do not amount to 'judicial acts.' These nonjudicial acts, to state the obvious, are not cloaked with judicial immunity from suit under § 1983.

## Summary

The passage from Harper v. Merckle clearly delineates the boundaries of judicial immunity, emphasizing that actions taken by a judge that are motivated by personal objectives and not invoked by any party do not qualify as "judicial acts." This aligns with the proposition that judicial immunity

does not extend to nonjudicial acts or acts taken in the absence of jurisdiction. The case supports the idea that judicial immunity is not intended to shield judges from liability for egregious conduct that falls outside the scope of their judicial duties.

[Calderon v. Bandera Cnty., CIVIL NO. SA-14-CA-881-XR (PMA) (W.D. Tex. Dec 01, 2014)](#)

**U.S. District Court — Western District of Texas**

# Extract

Absolute judicial immunity is overcome in only two rather narrow sets of circumstances: first, a judge is not immune from liability for non-judicial actions, i.e., actions not taken in the judge's judicial capacity, and second, a judge is not immune for actions, though judicial in nature, taken in complete absence of all jurisdiction. Mireles v. Waco, 502 U.S. at 11-12; Davis v. Tarrant County, Texas, 565 F.3d at 221; Ballard v. Wall, 413 F.3d at 515.

# Summary

The passage explicitly states the two exceptions to absolute judicial immunity: non-judicial actions and actions taken in the complete absence of jurisdiction. This aligns with the proposition that judicial immunity is not intended to shield judges from liability for egregious, nonjudicial, or jurisdictionless conduct. The passage references the same cases (Mireles v. Waco) that are part of the proposition, reinforcing the idea that judicial immunity is not absolute and is subject to limitations to preserve judicial integrity and protect litigants.

[Foreman v. United States Marshal's Serv., Civil Action 23-0817 (E.D. La. Jun 07, 2023)](#)

**U.S. District Court — Eastern District of Louisiana**

# Extract

It is well established that judges enjoy absolute judicial immunity from suits for damages for all judicial acts except those undertaken with a 'clear absence of all jurisdiction.'[] Federal courts have applied this to suits brought under Bivens.[] An act is judicial for purposes of this analysis, based on 'the nature of the act itself.'[]

# Summary

Judicial immunity applies to judicial acts unless they are undertaken with a "clear absence of all jurisdiction." This aligns with the proposition that judicial immunity does not protect judges from liability for actions that are

nonjudicial or taken without jurisdiction. The passage also references the nature of the act itself as a determinant of whether an act is judicial, which supports the idea that immunity is not intended to shield judges from all forms of liability, particularly for egregious conduct outside their jurisdiction.

## Hicks v. Bexar County, Tex., 973 F.Supp. 653 (W.D. Tex. 1997)

**U.S. District Court — Western District of Texas**

## Extract

In Mireles v. Waco, the United States Supreme Court reiterated the longstanding rule that absolute judicial immunity is overcome in only two rather narrow sets of circumstances: first, a judge is not immune from liability for nonjudicial actions, i.e., actions not taken in the judge's judicial capacity, and second, a judge is not immune for actions, though judicial in nature, taken in complete absence of all jurisdiction.

## Summary

The passage explicitly references the U.S. Supreme Court's decision in Mireles v. Waco, which outlines the exceptions to judicial immunity. These exceptions are directly relevant to the proposition, as they highlight that judicial immunity does not protect judges from liability for nonjudicial actions or actions taken in the complete absence of jurisdiction. This supports the proposition that judicial immunity is not intended to shield judges from liability for egregious conduct that falls outside their judicial capacity or jurisdiction.

## Ballard v. Wall, 413 F.3d 510 (5th Cir. 2005)

**U.S. Court of Appeals — Fifth Circuit**

## Extract

Notwithstanding the aforementioned, judicial immunity can be overcome in two sets of circumstances: (1) 'a judge is not immune from liability for nonjudicial actions, i.e., actions not taken in the judge's judicial capacity'; and (2) 'a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction.' Mireles, 502 U.S. at 11-12, 112 S.Ct. 286 (citations omitted).

## Summary

The passage explicitly outlines the circumstances under which judicial immunity does not apply: when actions are nonjudicial or taken in the complete absence of jurisdiction. This aligns with the proposition that

judicial immunity is not meant to shield judges from liability for actions that fall outside their judicial capacity or jurisdiction. The passage supports the idea that judicial immunity is intended to protect legitimate judicial decision-making while ensuring accountability for actions that do not meet these criteria.


[Holloway v. Walker, 765 F.2d 517 (5th Cir. 1985)](#)

**U.S. Court of Appeals — Fifth Circuit**

# Extract

Judicial immunity does not extend to acts committed with a clear absence of all jurisdiction. However, the term 'jurisdiction' is to be broadly construed to effectuate the policies of guaranteeing a disinterested and independent judicial decision-making process. Stump v. Sparkman, 98 S.Ct. at 1005. Where a judge does not clearly lack all subject-matter jurisdiction, he does not clearly lack all jurisdiction, and 'the same principle of exemption from liability which obtains for errors committed in the ordinary prosecution of a suit where there is jurisdiction of both subject and person, applies in cases of this kind, and for the same reasons.' Bradley, 13 Wall. at 352.

# Summary

Judicial immunity does not cover acts committed with a clear absence of all jurisdiction, aligning with the proposition that immunity is not meant to shield judges from liability for jurisdictionless conduct. The reference to Stump v. Sparkman reinforces the idea that jurisdiction is broadly construed to protect judicial independence, but not to the extent of covering acts without any jurisdiction. This supports the proposition by highlighting the boundaries of judicial immunity and the importance of maintaining judicial integrity.


[Davis v. Tarrant County, Tex., 565 F.3d 214 (5th Cir. 2009)](#)

**U.S. Court of Appeals — Fifth Circuit**

# Extract

There are only two circumstances under which judicial immunity may be overcome. 'First, a judge is not immune from liability for nonjudicial actions, i.e., actions not taken in the judge's judicial capacity.' Mireles, 502 U.S. at 11, 112 S.Ct. 286 (citations omitted). 'Second, a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction.' Id. (citations omitted).

## Summary

The passage clearly outlines the two exceptions to judicial immunity: nonjudicial actions and actions taken in the absence of jurisdiction. This directly supports the proposition that judicial immunity is not intended to shield judges from liability for actions that fall outside their judicial capacity or jurisdiction. The reference to Mireles v. Waco further strengthens this point by providing a precedent that aligns with the proposition.

[Leone v. Magistrate Judges of Travis Cnty. Circuit Court, A-18-CA-560-LY (W.D. Tex. Aug 08, 2018)](#)

**U.S. District Court — Western District of Texas**

## Extract

Absolute judicial immunity is overcome in only two rather narrow sets of circumstances: first, a judge is not immune from liability for nonjudicial actions, i.e., actions not taken in the judge's judicial capacity, and second, a judge is not immune for actions, though judicial in nature, taken in complete absence of all jurisdiction. Mireless, 502 U.S. at 11-12.

## Summary

The passage explicitly outlines the two exceptions to absolute judicial immunity: nonjudicial actions and actions taken in the complete absence of jurisdiction. This directly supports the proposition that judicial immunity is not intended to shield judges from liability for egregious, nonjudicial, or jurisdictionless conduct. The passage references the Mireles v. Waco case, which is a key precedent in understanding the limits of judicial immunity.

[McClain v. Triana, A-18-CV-763- RP (W.D. Tex. Sep 21, 2018)](#)

**U.S. District Court — Western District of Texas**

## Extract

Absolute judicial immunity is overcome in only two rather narrow sets of circumstances: first, a judge is not immune from liability for nonjudicial actions, i.e., actions not taken in the judge's judicial capacity, and second, a judge is not immune for actions, though judicial in nature, taken in complete absence of all jurisdiction. Mireless, 502 U.S. at 11-12.

## Summary

The passage explicitly outlines the two exceptions to absolute judicial immunity: nonjudicial actions and actions taken in the complete absence of jurisdiction. This directly supports the proposition that judicial immunity is

not intended to shield judges from liability for actions that fall outside their judicial capacity or jurisdiction. The passage reinforces the idea that these exceptions are in place to maintain the integrity of the judiciary and protect litigants from potential abuse.

[Kennedy v. Chief Judge, Fifth Circuit Court of Appeals, No. 3:18-cv-2624-N-BN (N.D. Tex. Oct 04, 2018)](#)

## U.S. District Court — Northern District of Texas

# Extract

"Judicial immunity can be overcome only by showing that the actions complained of were nonjudicial in nature or by showing that the actions were taken in the complete absence of all jurisdiction." Boyd v. Biggers, 31 F.3d 279, 284 (5th Cir. 1994).

# Summary

Judicial immunity can be overcome if the actions in question are nonjudicial or taken in the complete absence of jurisdiction. This aligns with the proposition that judicial immunity is not intended to shield judges from liability for such conduct. The passage supports the idea that the integrity of the judiciary is preserved by not extending immunity to actions that fall outside the scope of judicial functions or jurisdiction.

[Friston v. MDOC, CAUSE NO. 1:17-cv-329-HSO-JCG (S.D. Miss. Apr 02, 2019)](#)

## U.S. District Court — Southern District of Mississippi

# Extract

The law is well established that a judge enjoys absolute immunity from damages when performing acts within his judicial capacity. See Stump v. Sparkman, 435 U.S. 349, 356 (1978). 'Absolute immunity is immunity from suit rather than simply a defense against liability, and is a threshold question 'to be resolved as early in the proceedings as possible.' Hulsey v. Owens, 63 F.3d 654, 356 (5th Cir. 1995) (quoting Boyd, 31 F.3d 279 at 284). Judicial immunity can 'be overcome in two circumstances: (1) a judge is not immune from liability for nonjudicial actions, i.e., actions not taken in the judge's judicial capacity; and (2) a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction.'

# Summary

The passage explicitly states the conditions under which judicial immunity can be overcome, aligning with the proposition that immunity does not

protect judges from liability for nonjudicial actions or actions taken without jurisdiction. This supports the idea that judicial immunity is not intended to shield judges from all forms of liability, particularly when their actions fall outside their judicial capacity or jurisdiction.

[Jones v. Wallace, Civil Action 22-1753 (E.D. La. Aug 08, 2022)](#)

**U.S. District Court — Eastern District of Louisiana**

## Extract

Absolute judicial immunity is overcome in only two narrow circumstances, neither of which would apply here.[] First, a judge is not immune from liability for non-judicial actions, i.e. actions outside of the judge's judicial role.[] Second, a judge is not immune for actions, though judicial in nature, taken in complete absence of all jurisdiction.[]

## Summary

The passage clearly outlines the two exceptions to absolute judicial immunity: non-judicial actions and actions taken in the complete absence of jurisdiction. This directly supports the proposition by affirming that judicial immunity does not protect judges from liability in these specific circumstances, thereby preserving the integrity of the judiciary and protecting litigants from potential abuse.

[Campbell v. Booth, Civil Action 2:22-CV-00052 (S.D. Tex. Apr 15, 2022)](#)

**U.S. District Court — Southern District of Texas**

## Extract

There are only two circumstances under which judicial immunity can be pierced: "(1) 'a judge is not immune from liability for nonjudicial actions, i.e., actions not taken in the judge's judicial capacity'; and (2) 'a judge is not immune from actions, though judicial in nature, taken in the complete absence of all jurisdiction.'" Bowling v. Roach, 816 Fed.Appx. 901, 906 (5th Cir. 2020), cert. denied, __ U.S.__, 141 S.Ct. 2466 (2021) (citing Mireles, 502 U.S. at 11-12).

## Summary

The passage explicitly outlines the two exceptions to judicial immunity: nonjudicial actions and actions taken in the complete absence of jurisdiction. This directly supports the proposition that judicial immunity is not intended to shield judges from liability for actions that fall outside their judicial capacity or jurisdiction. The passage cites relevant case law, including Mireles v. Waco, which is a key precedent in this area. This aligns with the

proposition's assertion that judicial immunity should not protect judges from liability for egregious conduct that undermines the integrity of the judiciary.

[Andrews v. Murphy, 1-23-CV-0950-RP (W.D. Tex. Nov 15, 2023)](#)

**U.S. District Court — Western District of Texas**

# Extract

Judicial immunity can be overcome in two sets of circumstances: (1) 'a judge is not immune from liability for nonjudicial actions, i.e., actions not taken in the judge's judicial capacity'; and (2) 'a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction.' Mireles, 502 U.S. at 1112 (citations omitted).

# Summary

The passage explicitly states the two circumstances under which judicial immunity can be overcome: nonjudicial actions and actions taken in the complete absence of jurisdiction. This aligns directly with the proposition that judicial immunity is not intended to shield judges from liability for egregious, nonjudicial, or jurisdictionless conduct. The passage supports the idea that judicial immunity is meant to protect judicial decision-making within the bounds of jurisdiction and judicial capacity, not to provide blanket protection for all actions by judges.

[Mills v. Adams Cnty. Bd. of Supervisors, CIVIL ACTION NO. 5:18cv15-DCB-MTP (S.D. Miss. Jun 25, 2018)](#)

**U.S. District Court — Southern District of Mississippi**

# Extract

Judicial immunity can be overcome only by a showing that the actions complained of were non-judicial in nature, or by showing that the actions were taken in the absence of all jurisdiction. Mireles v. Waco, 502 U.S. 9, 11 (1991).

# Summary

Judicial immunity can be overcome if the actions in question are non-judicial or taken without jurisdiction. This aligns with the proposition that judicial immunity is not intended to shield judges from liability for such conduct. The reference to Mireles v. Waco further supports this understanding, as it is a precedent that outlines the limitations of judicial immunity.

**U.S. District Court — Western District of Texas**

## Extract

Absolute judicial immunity does not apply in certain limited circumstances. Mireles, 502 U.S. at 11-12; Davis, 565 F.3d at 221. First, judges are not immune from liability for non-judicial actions, i.e., actions not taken in the judge's judicial capacity. Mireles, 502 U.S. at 11-12; Davis, 565 F.3d at 221. Second, judges are not immune for actions, though judicial in nature, taken in complete absence of all jurisdiction. Mireles, 502 U.S. at 11-12; Davis, 565 F.3d at 221.

## Summary

Judicial immunity does not apply to non-judicial actions or actions taken in the complete absence of jurisdiction. This aligns with the proposition that judicial immunity is not intended to shield judges from liability for egregious, nonjudicial, or jurisdictionless conduct. The passage references the Mireles v. Waco decision, which is a key case supporting the proposition. The context of the passage is a legal judgment, which adds authority to its statements.

**U.S. District Court — Southern District of Mississippi**

## Extract

As a general matter, judicial immunity protects a judge from liability for acts or omissions done in the exercise of his judicial function or capacity within the limits of his jurisdiction... A judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority; rather, he will be subject to liability only when he has acted in the clear absence of all jurisdiction... The doctrine of judicial immunity can be overcome under two sets of circumstances: (i) nonjudicial actions, which are actions not taken in the judge's judicial capacity and (ii) actions taken in the complete absence of all jurisdiction, even though they are judicial in nature.

## Summary

The passage clearly outlines the conditions under which judicial immunity can be overcome, specifically highlighting that immunity does not protect judges when they act outside their judicial capacity or in the complete absence of jurisdiction. This directly supports the proposition that judicial immunity is not intended to shield judges from liability for nonjudicial or

jurisdictionless conduct. The passage references key cases such as Stump v. Sparkman and Mireles v. Waco, which are central to the proposition.


[Judicial Immunity](#)

**Encyclopedia of the American Constitution - GALE - Theodore Eisenberg - 2000-01-01**

# Extract

In Randall v. Brigham (1869) the Supreme Court endorsed the principle of judicial immunity. Under doctrine 'as old as the law,' Justice Stephen J. Field wrote for the Court, judges of courts of general jurisdiction are immune from suit for judicial acts 'unless perhaps where the acts, in excess of jurisdiction, are done maliciously or corruptly.' In Bradley v. Fisher (1872) Justice Field, again writing for the Court, extended Randall's standard for protecting judges to preclude liability for all judicial acts except 'acts where no jurisdiction whatever' existed and illustrated the difference between acts 'in excess of jurisdiction' and acts clearly without jurisdiction. A probate judge acts clearly without jurisdiction when he tries a criminal case.

# Summary

Historical development of judicial immunity, highlighting key Supreme Court cases that establish the limits of this doctrine. It specifically notes that judicial immunity does not protect judges when they act "clearly without jurisdiction," such as when a probate judge tries a criminal case. This supports the proposition that judicial immunity is not intended to shield judges from liability for acts taken in the complete absence of jurisdiction, thereby preserving the integrity of the judiciary and protecting litigants from abuse.

[Judicial Immunity](#)

**West's Encyclopedia of American Law - GALE - Jeffrey Lehman, Shirelle Phelps - 2005-01-01**

# Extract

Judicial immunity protects judges from liability for monetary damages in civil court, for acts they perform pursuant to their judicial function. A judge generally has immunity from civil damages if he or she had jurisdiction over the subject matter in issue. This means that a judge has immunity for acts relating to cases before the court, but not for acts relating to cases beyond the court's reach. For example, a criminal court judge would not have immunity if he or she tried to influence proceedings in a juvenile court.

## Summary

The passage explains that judicial immunity is applicable only when judges act within their jurisdiction and perform judicial functions. It explicitly states that judges do not have immunity for acts beyond the court's reach, which aligns with the proposition that immunity does not cover nonjudicial acts or acts taken without jurisdiction. This supports the idea that judicial immunity is not meant to shield judges from liability for egregious conduct outside their jurisdiction.

[Vol. 18 No. 9 Pg. 1747 When the Defendant Is the Judge](#)

**Colorado Lawyer - Colorado Bar Association - 1989-00-00**

## Extract

Thus, there are two requirements for absolute judicial immunity. The first is that the act at issue must be a 'judicial' act. The second is that the judge must not be acting in the clear absence of all jurisdiction... Jurisdiction has long been a prerequisite for judicial immunity. The jurisdictional requirement for immunity is only that there not be a 'clear absence of all jurisdiction.' Actions which are merely 'in excess of jurisdiction' are nonetheless immune... Where immunity is found not to be present due to lack of jurisdiction, it usually is because the action contravened either a statute or a specific limitation of which the judge had knowledge.

## Summary

Two key requirements for judicial immunity: the act must be judicial, and the judge must not act in the clear absence of jurisdiction. It emphasizes that actions taken without jurisdiction do not qualify for immunity, aligning with the proposition that judicial immunity does not protect nonjudicial or jurisdictionless conduct. This supports the idea that immunity is not meant to shield judges from liability for egregious actions outside their jurisdiction.

[What kind of immunity? Federal officers, state criminal law, and the Supremacy Clause.](#)

**Yale Law Journal - Yale University, School of Law - Waxman, Seth P. - 2003-06-01**

## Extract

There are two circumstances in which otherwise absolute judicial immunity does not apply: 'First, a judge is not immune from liability for nonjudicial actions, i.e., actions not taken in the judge's judicial capacity.... Second, a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction.' Mireles v. Waco, 502 U.S. 9, 11-12

(1991) (per curiam) (citations omitted); see also Forrester v. White, 484 U.S. 219, 227-29 (1988); Stump v. Sparkman, 435 U.S. 349, 356-57, 360-63 (1978).

## Summary

The passage directly addresses the limitations of judicial immunity, specifically noting that it does not apply to nonjudicial actions or actions taken in the absence of jurisdiction. This aligns with the proposition that judicial immunity is not intended to shield judges from liability for such conduct, thereby supporting the integrity of the judiciary and protecting litigants from abuse.

[Vol. 65 No. 06 Pg. 30 Immunity Under Section 1983](#)

**KBA Bar Journal - Kansas Bar Association - 1996-00-00**

## Extract

Judicial immunity is overcome in only two sets of circumstances. First, a judge is not immune from liability for nonjudicial acts. [FN37] ... The second situation in which judicial immunity is overcome occurs when a judge's acts, though judicial in nature, are taken 'in the complete absence of all jurisdiction.' [FN43] ... This limitation is to be contrasted with situations in which a judge acts 'in excess of his jurisdiction.' In this latter situation, the judge retains absolute immunity even if his acts were motivated by malice and corruption. Stump v. Sparkman, 435 U.S. 349, 356.

## Summary

The passage clearly outlines the two exceptions to judicial immunity: nonjudicial acts and acts taken in the complete absence of jurisdiction. This directly supports the proposition that judicial immunity is not intended to shield judges from liability for egregious, nonjudicial, or jurisdictionless conduct. The reference to Stump v. Sparkman further reinforces the idea that acts taken without jurisdiction do not enjoy immunity, aligning with the proposition's assertion about preserving the integrity of the judiciary.

[Chapter 9-III. ABSOLUTE IMMUNITY](#)

**Sword and Shield: A Practical Approach to Section 1983 Litigation (ABA) - American Bar Association**

## Extract

The Court held that acts in the clear absence of a court's jurisdiction are not entitled to immunity, although immunity does extend to acts in mere excess of jurisdiction, and only judicial acts are protected. ... The functional

approach to absolute judicial immunity protects judges at all levels as well as those who act like judges. Only judicial acts, however, are protected by absolute immunity.

## Summary

The passage explains that judicial immunity does not apply to acts taken in the clear absence of jurisdiction, aligning with the proposition that immunity is not meant to shield judges from liability for nonjudicial or jurisdictionless conduct. It also emphasizes that only judicial acts are protected, supporting the idea that immunity is intended to protect legitimate judicial decision-making rather than egregious conduct. The context of the passage, being part of a broader discussion on individual immunity defenses under Section 1983, indicates its relevance to the proposition.

III. Absolute Immunity

**Sword and Shield: A Practical Approach to Section 1983 Litigation (ABA) - American Bar Association**

## Extract

The Court held that acts in the clear absence of a court's jurisdiction are not entitled to immunity, although immunity does extend to acts in mere excess of jurisdiction, and only judicial acts are protected. ... The functional approach to absolute judicial immunity protects judges at all levels as well as those who act like judges. Only judicial acts, however, are protected by absolute immunity.

## Summary

The passage explains that judicial immunity does not cover acts taken in the clear absence of jurisdiction, aligning with the proposition that immunity is not meant to shield judges from liability for nonjudicial or jurisdictionless conduct. It also emphasizes that only judicial acts are protected, supporting the idea that immunity is intended to protect judicial decision-making rather than shield egregious conduct. This aligns with the proposition's reference to Stump v. Sparkman and Mireles v. Waco, which are cited as authorities on the limits of judicial immunity.

This memo was compiled by Vincent AI based on vLex materials available as of September 08, 2025. View full answer on vLex