

IN THE UTAH COURT OF APPEALS

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Neldon P. Johnson,	)	MEMORANDUM DECISION	
	)	(Not For Official Publication)	
Plaintiff and Appellant,	)		
	)	Case No. 20060599-CA	
v.	)		
	)	F I L E D	
Honorable Claudia Laycock,	)	(January 5, 2007)	
	)		
Defendant and Appellee.	)	<table border="1"><tr><td>2007 UT App 6</td></tr></table>	2007 UT App 6
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Third District, Salt Lake Department, 060906304  
The Honorable Robert K. Hilder

Attorneys: Neldon P. Johnson, Salem, Appellant Pro Se  
            Brent M. Johnson, Salt Lake City, for Appellee

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Before Judges Greenwood, Davis, and Orme.

PER CURIAM:

Neldon P. Johnson appeals the dismissal of his claims against Fourth District Judge Claudia Laycock. We affirm.

Johnson filed a complaint against Judge Laycock, seeking to hold her liable for decisions she made during the course of Johnson's divorce action, case number 004401468, in Fourth District Court. The trial court dismissed the complaint, holding that Johnson did not and could not allege sufficient facts to support his claim against Judge Laycock.

A trial judge acting within the scope of her authority is not liable for or subject to suit for her decisions. See Christensen v. Ward, 916 F.2d 1462, 1473 (10th Cir. 1990) ("Judges are absolutely immune from suit on any claim based in the conduct of their office, including allegations that a decision is erroneous, malicious, or in excess of their judicial authority."). Johnson's complaint alleges no facts and Johnson has not otherwise demonstrated that Judge Laycock was acting in anything other than a judicial capacity. To the contrary, Judge Laycock was acting in her judicial capacity over a case within her jurisdiction and thus, is immune from suit. See id. Accordingly, the trial court correctly determined that judicial

immunity applied to Judge Laycock's acts, and appropriately dismissed Johnson's complaint.

Affirmed.

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Pamela T. Greenwood,  
Associate Presiding Judge

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James Z. Davis, Judge

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Gregory K. Orme, Judge