

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

Submitted March 21, 2025*

Decided March 21, 2025

Before

MICHAEL B. BRENNAN, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

No. 24-3012

KIMBERLY E. KING,
Plaintiff-Appellant,

v.

MARISABEL CABRERA,
Defendant-Appellee.

Appeal from the United States District
Court for the Eastern District of
Wisconsin.

No. 24-CV-1207-JPS

J.P. Stadtmueller,
Judge.

ORDER

Kimberly E. King sought damages from Marisabel Cabrera, the Wisconsin state trial judge who presided over parts of King's criminal trial, alleging that the judge's orders violated her constitutional rights. *See* 42 U.S.C. § 1983. The district court dismissed the suit at screening, *see* 28 U.S.C. § 1915A, correctly reasoning that the judge

* The appellee was not served with process and is not participating in this appeal. We have agreed to decide this case without oral argument because the brief and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

is entitled to absolute judicial immunity for actions taken in her capacity as a judge; thus we affirm.

In reviewing a dismissal at screening, we accept the well-pleaded facts in the complaint as true, drawing all reasonable inferences in King's favor. *See Schillinger v. Kiley*, 954 F.3d 990, 994 (7th Cir. 2020). Also, we may take judicial notice of the court records from the Wisconsin case that gave rise to this suit. *See* FED R. EVID. 201.

From August to November 2024, Judge Marisabel Cabrera presided over King's criminal misdemeanor case. *State of Wisconsin v. Kimberly Elise King*, No. 2022CM000126 (Milwaukee County Cir. Ct. 2022). King alleges that in September 2024, she moved to dismiss her attorney and to subpoena witnesses, but Judge Cabrera denied both requests. The judge then recused herself two months later. King was ultimately acquitted after a jury trial in which she was allowed to represent herself.

While her case was still pending, and before Judge Cabrera recused herself, King sued the judge for damages under 42 U.S.C. § 1983, alleging that judge's rulings violated her Sixth Amendment rights to self-representation and a fair trial. The district court dismissed the complaint based on absolute judicial immunity. King's allegations, the court reasoned, focused solely on the state judge's decision to deny motions in a case pending before her; therefore the actions were taken within her judicial capacity, and she was immune from a suit challenging them. *See Stump v. Sparkman*, 435 U.S. 349, 355–56 (1978). The district court then ruled that any amendment that depended on these allegations would be futile, so it dismissed the case with prejudice.

On appeal, King does not dispute that Judge Cabrera made the challenged rulings in her capacity as a judge having jurisdiction over King's criminal case. Instead, King argues that judicial immunity does not apply when a judge violates a constitutional right in a "premeditative way." But judicial immunity is absolute: It blocks a § 1983 suit even when, as here, a judge has allegedly acted maliciously, *see Stump*, 435 U.S. at 355–56, and in a way that assertedly violates a litigant's constitutional rights, *id.* at 354–56. Dismissal with prejudice was correct.

We address one final matter. For the first time, on appeal, King appears to request that this court order the Wisconsin Judicial Commission to review a complaint she filed with that entity. But King has sued only the judge, not the Wisconsin Judicial Commission, and issues not raised in the district court are waived. *Lane v. Structural Iron Workers Loc. No. 1 Pension Tr. Fund*, 74 F.4th 445, 450–51 (7th Cir. 2023).

AFFIRMED