

Dykes v. Hosemann

776 F.2d 942 (11th Cir. 1985) (en banc)

U.S. Court of Appeals for the Eleventh Circuit (en banc)

Issue: Immunity even without personal jurisdiction

Holding on Judicial Immunity

Sitting en banc, the court held that a judge who acts in his judicial capacity and has subject-matter jurisdiction is absolutely immune — even if he lacked personal jurisdiction and even if he acted erroneously or in bad faith. The judge who granted an ex parte custody order was immune.

Key Quotations (verbatim)

“[A] judge who possesses subject matter jurisdiction is not within the 'clear absence of all jurisdiction' posture which would deprive him of the use of the defense of judicial immunity.”

— Dykes v. Hosemann, 776 F.2d 942, 950 (11th Cir. 1985) (en banc).

Full opinion (authoritative source): <https://www.courtlistener.com/opinion/460405/dykes-v-hosemann/>

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