

Gregory v. Thompson

500 F.2d 59 (9th Cir. 1974)

U.S. Court of Appeals for the Ninth Circuit

Issue: Physical force is not a judicial act

Holding on Judicial Immunity

A justice of the peace who physically assaulted and forcibly ejected a member of the public from the courtroom was not protected by judicial immunity, because using physical force to evict a person is not an act of a judicial nature.

Key Quotations (verbatim)

“To forcibly evict someone from a courtroom by the use of physical force is simply not an act of a judicial nature, and is not such as to require insulation in order that the decision be deliberately reached. A judicial act within the meaning of the doctrine may normally be corrected on appeal.”

— Gregory v. Thompson, 500 F.2d 59, 64 (9th Cir. 1974).

Full opinion (authoritative source):

<https://www.courtlistener.com/opinion/320506/douglas-gregory-v-john-j-thompson/>

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