

Harris v. Harvey

605 F.2d 330 (7th Cir. 1979)

U.S. Court of Appeals for the Seventh Circuit

Issue: No immunity for extrajudicial acts

Holding on Judicial Immunity

A state judge was held personally liable for a racially motivated, extrajudicial campaign (press statements and communications to officials) to discredit and remove a Black police lieutenant. Judicial immunity does not extend to acts that are not judicial functions, even when committed by a judge under color of office. The judgment against the judge, including compensatory and punitive damages, was affirmed.

Key Quotations (verbatim)

“Neither Judicial Nor Prosecutorial Immunity Protects the Acts for Which Defendant Was Held Liable.”

— Harris v. Harvey, 605 F.2d 330, 336 (7th Cir. 1979) (section heading).

“[I]mmunity does not apply because Judge Harvey was not performing judicial functions. We also agree that nonetheless Judge Harvey was acting under color of law by using the power and prestige of his state office.”

— Harris v. Harvey, 605 F.2d 330, 337 (7th Cir. 1979).

Full opinion (authoritative source):

<https://www.courtlistener.com/opinion/369359/slyvester-harris-v-richard-g-harvey-jr/>

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