

Lopez v. Vanderwater

620 F.2d 1229 (7th Cir. 1980)

U.S. Court of Appeals for the Seventh Circuit

Issue: Judge who acts as prosecutor loses immunity for those acts

Holding on Judicial Immunity

A judge who stepped out of his neutral judicial role to act as a prosecutor (filing charges and prosecuting a tenant) was absolutely immune for his judicial acts (arraigning, convicting, sentencing) but NOT immune for his prosecutorial acts. Judicial immunity protects only judicial functions, not other roles a judge chooses to assume.

Key Quotations (verbatim)

“Vanderwater is absolutely immune from suit under 42 U.S.C. § 1983 for his acts of arraigning, convicting, and sentencing Lopez.”

— Lopez v. Vanderwater, 620 F.2d 1229, 1234 (7th Cir. 1980).

“Because Vanderwater is not immune from liability for his prosecutorial acts, and because those acts were an integral part of his unlawful course of conduct, we reverse the summary judgment in his favor.”

— Lopez v. Vanderwater, 620 F.2d 1229, 1236 (7th Cir. 1980).

Full opinion (authoritative source): <https://www.courtlistener.com/opinion/377933/flor-lopez-v-william-vanderwater-and-howard-wheeler-gamble/>

This case file states the court's holding on judicial immunity and reproduces verbatim, pin-cited excerpts for research and citation. It is a research summary, not the complete slip opinion; consult the linked source for the full text and to Shepardize/verify current status before relying on it in a filing.