

Rankin v. Howard

633 F.2d 844 (9th Cir. 1980)

U.S. Court of Appeals for the Ninth Circuit

Issue: No immunity where judge lacks jurisdiction / conspires

Holding on Judicial Immunity

The panel held that a judge who acted in the clear absence of personal jurisdiction, and who allegedly conspired with a private party to reach a predetermined result, was not entitled to absolute immunity.

Key Quotations (verbatim)

"[S]tate judges are immune from § 1983 liability for 'judicial' acts not taken in the 'clear absence of all jurisdiction.'"

— Rankin v. Howard, 633 F.2d 844, 847 (9th Cir. 1980) (quoting Stump v. Sparkman).

Note / Caveat: PARTIALLY OVERRULED: The Ninth Circuit, sitting en banc in *Ashelman v. Pope*, 793 F.2d 1072 (9th Cir. 1986), rejected Rankin's rule that a conspiracy allegation can strip a judge of immunity. Rankin remains cited for the personal-jurisdiction point but its conspiracy holding is no longer good law in the Ninth Circuit.

Full opinion (authoritative source): <https://www.courtlistener.com/opinion/383704/marcus-w-rankin-v-wayne-howard-and-jane-doe-howard-his-wife-joseph/>

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