

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

ANSELM CADDELL,	:	CASE NO. 1:19-cv-00091
	:	
Plaintiff	:	JUDGE SUSAN J. DLOTT
	:	MAG. JUDGE STEPHANIE BOWMAN
v.	:	
	:	
JOYCE A. CAMPBELL, et al.,	:	<b>HON. JOYCE A. CAMPBELL'S</b>
	:	<b>MOTION TO DISMISS</b>
Defendants	:	<b>PLAINTIFFS' SECOND</b>
	:	<b>AMENDED COMPLAINT</b>

Defendant, the Honorable Judge Joyce Campbell (in her individual and official capacities) moves for all claims against her to be dismissed with prejudice pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. A memorandum in support is attached.

Respectfully submitted,

/s/ LISA M. ZARING

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

ANSELM CADDELL,	:	CASE NO. 1:19-cv-00091
	:	
Plaintiff	:	JUDGE DOUGLAS R. COLE
	:	MAG. JUDGE STEPHANIE BOWMAN
v.	:	
	:	<b>HON. JOYCE A. CAMPBELL'S</b>
JOYCE A. CAMPBELL, et al.,	:	<b>MEMORANDUM IN SUPPORT</b>
	:	<b>OF MOTION TO DISMISS</b>
Defendants	:	<b>PLAINTIFFS' SECOND</b>
	:	<b>AMENDED COMPLAINT</b>

**Introduction**

On July 23, 2020, Plaintiffs filed their Second Amended Complaint (Doc. 45). As that amended complaint asserts, the Second Amended Complaint “adds Caleb Lawson as a Plaintiff, but makes no other substantive changes.” *Id.* at PAGEID #:320.

Judge Campbell previously filed a motion to dismiss Plaintiff’s Amended Complaint (Doc. 12), which addressed the claims of Plaintiff Anselm Caddell, only. That motion was fully briefed, the magistrate judge issued a report and recommendation regarding the motion (Doc. 29), Judge Campbell objected to the report and recommendation (Doc. 34), and those objections are fully briefed and pending before this Honorable Court.

In light of the filing of the Second Amended Complaint and the addition of Caleb Lawson as a plaintiff, and in an effort to protect the record and avoid any suggestion of default, Judge Campbell is filing this motion to dismiss the Second Amended Complaint and incorporating all arguments previously set forth in her Motion to Dismiss (Doc. 12), as well as her Reply in Support of Motion to Dismiss (Doc. 20), and her objections to the Magistrate’s Report and Recommendation (Doc. 34). As with Mr. Caddell, Mr. Lawson

alleges he was detained longer than 48 hours without an appearance before a judicial officer, resulting in the deprivation of his Constitutional rights. *See*, Second Amended Complaint, Doc. 45, ¶45. All arguments presented in support of the dismissal of Mr. Caddell's claim against Judge Campbell apply equally to the claims asserted by Mr. Lawson against Judge Campbell, and are incorporated as if fully restated herein.

### **Conclusion**

For the reasons set forth in the incorporated pleadings, Mr. Caddell's and Mr. Lawson's claims against Judge Campbell must be dismissed, and because their individual claims are futile, their class action claims are likewise futile.

Respectfully submitted,  
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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was filed using the Court's EF/CMF system, which shall serve a copy on all counsel of record, this 13th day of August, 2020.

/s/ LISA M. ZARING  
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