

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LENIR RICHARDSON,

Plaintiff,

v.

**WASHINGTON COLLEGE OF LAW,
*et al.,***

Defendants.

Civil Action No. 05-1093 (JR)

MEMORANDUM OPINION

This matter comes before the Court upon review of plaintiff's *pro se* complaint. The Court has reviewed plaintiff's complaint, keeping in mind that complaints filed by *pro se* litigants are held to less stringent standards than formal pleadings drafted by lawyers. *See Haines v. Kerner*, 404 U.S. 519, 520 (1972).

Plaintiff alleges that she has been barred from the law library at American University's Washington College of Law in Washington, DC because she is Brazilian and based on false allegations of mental illness. She also alleges she was barred entry from an event at the law school featuring two justices of the Supreme Court. In a separate incident, plaintiff alleges that a security officer at the law school sexually assaulted her. In addition to this tort claim, plaintiff brings a claim against the university pursuant to 42 U.S.C. § 1983.

In order to state a claim under § 1983, a plaintiff must establish that she was deprived of a right secured by the Constitution or the laws of the United States and that the alleged deprivation was committed under color of state law. *American Mfrs. Mut. Ins. Co. v. Sullivan*, 526 U.S. 40, 49-50 (1999). Thus, § 1983 only applies to state actors and not private conduct. *Hoai v. Vo*, 935

F.2d 308, 313 (D.C. Cir. 1991), *cert. denied*, 503 U.S. 967 (1992); *Bhagwanani v. Howard Univ.*, 355 F.Supp.2d 294, 301 (D.D.C. 2005). Since American University is a private institution, plaintiff's § 1983 claim will be dismissed.

Plaintiff's sexual assault claim is not based on federal law. Therefore, the only basis for this Court's jurisdiction would be diversity of citizenship. *See* 28 U.S.C. § 1332(a). Pursuant to Fed. R. Civ. P. 8(a), a complaint must contain "a short and plain statement of the grounds upon which the court's jurisdiction depends ..." Plaintiff's complaint fails to plead a basis for this Court's diversity jurisdiction. Accordingly, the case will be dismissed without prejudice. A separate order accompanies this Memorandum Opinion.

JAMES ROBERTSON
United States District Judge

DATE: September 29, 2005