

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

STEPHANIE BOONE,

Plaintiff,

v.

**DISTRICT OF COLUMBIA,
Defendant.**

Civil Action 06-00611 (HHK)

MEMORANDUM OPINION

Before the court is the motion of the District of Columbia to dismiss the complaint in this case under Federal Rule of Civil Procedure 12(b)(6) (#20). Upon consideration of the motion and the response of plaintiff thereto, the court concludes that the motion should be granted.

As the District points out, under the public duty doctrine it is immune from liability for causes of action based upon the kind of grievances set forth in plaintiff's complaint. Under this doctrine, "the government and its agents are under no general duty to provide public services, such as police protection, to any particular individual citizen." *Warren v. District of Columbia*, 444 A.2d 1,4 (D.C. 1981). Fairly read, but construed in a manner most favorable to her, plaintiff's complaint is based upon the alleged failure of the District to provide such services. For example, plaintiff complains that she has been denied meetings with police officials at which, apparently, she would be able to tell them of "leads" which she would like to report in order to "benefit mankind." Compl. at 2. Plaintiff states that the "hush-hush attitude" of the officials "has weakened [her] trust of them." *Id.*

There are, of course, two well recognized exceptions to the public duty doctrine: “1) a direct contact or continuing contact between the victim and the government agency or official; and 2) a justifiable reliance on the part of the victim.” *Id.* at 8. In her complaint, plaintiff does not allege any facts from which it might be supposed that she could meet either of the exceptions. Indeed, her response to the motion to dismiss confirms that she does not. In her opposition to the motion to dismiss, plaintiff states, “[t]he special relationship is I am a citizen of the United States,” and, apparently referring to the police response to an assault against her, laments “I have mentioned an assault. The police are not providing me any information as to their pursuit of the case. United States Citizens expect more from their government.” Pl’s Opp. at 1.

Because the District is immune from liability under the public duty doctrine, its motion to dismiss is granted. An appropriate order accompanies this order.

Henry H. Kennedy, Jr.
United States District Judge

Dated: January 12, 2007