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JAN 13 2009

**Clerk, U.S. District and
Bankruptcy Courts**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Ronnie Lee McDaniel,

Plaintiff,

v.

Mayor Adrian Fenty,

Defendant.

Civil Action No. **09 0070**

MEMORANDUM OPINION

This matter is before the Court on its initial review of the complaint brought *pro se* and plaintiff's application to proceed *in forma pauperis*. Pursuant to 28 U.S.C. § 1915(e), the Court is required to dismiss a complaint upon a determination that it, among other grounds, fails to state a claim upon which relief may be granted. 28 U.S.C. § 1915(e)(2)(B)(ii).

Plaintiff sues District of Columbia Mayor Adrian Fenty for \$10 million in damages because he allegedly "refused to mediate and solve [an] issue on his city's police departments," that resulted in the deprivation of plaintiff's constitutional rights. Compl. Plaintiff claims that Mayor Fenty made a "personal choice" not to act "after numerous contacts." *Id.* Although a District of Columbia official may be held personally liable for depriving an individual of "rights, privileges, or immunities secured by the Constitution and laws," 42 U.S.C. § 1983, he must have directly participated in the alleged wrongdoing. *See Cameron v. Thornburgh*, 983 F.2d 253, 258 (D.C. Cir.1993); *Meyer v. Reno*, 911 F. Supp. 11, 15 (D.D.C.1996) (citing cases); *Price v. Kelly*, 847 F. Supp. 163, 169 (D.D.C.1994), *aff'd*, 56 F.3d 1531 (D.C. Cir. 1995). Plaintiff's claim against Mayor Fenty in his individual capacity based apparently on the alleged wrongful acts of

D.C. police officers fails as a matter of law.¹ See *Graham v. Davis*, 880 F.2d 1414, 1421 (D.C. Cir. 1989) (citing *Monell v. Dep't. of Social Services of the City of New York*, 436 U.S. 658, 691 (1978)) (defendant cannot be held liable under section 1983 on theories of *respondeat superior* or vicarious liability). The complaint therefore is dismissed. A separate Order accompanies this Memorandum Opinion.


United States District Judge

Date: December 31, 2008

¹ Plaintiff has submitted a separate complaint against District of Columbia Police Chief Cathy L. Lanier, which the Court will permit to go forward.