

JUN 11 2012

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

Plaintiff commenced this action from the District of Columbia Jail, *see* Compl. Caption, but is now at the District’s St. Elizabeths Hospital. *See* Dkt. Caption. Plaintiff sues the Director of the District of Columbia Public Defender Service (“PDS”) and three PDS attorneys under 42 U.S.C. § 1983 and under common law for defamation and other purported torts. *See* Compl. at 1.

The complaint does not provide a basis for federal question jurisdiction because PDS and its attorneys are not state actors subject to suit under § 1983. *See Rice v. District of Columbia Public Defender Service*, 531 F. Supp. 2d 202, 203-04 (D.D.C. 2008) (“The Supreme Court instructs that ‘a public defender does not act under color of state law when performing a lawyer's traditional functions as counsel to a defendant in a criminal proceeding.’”) (quoting *Polk County v. Dodson*, 454 U.S. 312, 325 (1981)). Diversity jurisdiction is wanting because the parties are not of diverse citizenship. *See Bush v. Butler*, 521 F. Supp. 2d 63, 71 (D.D.C. 2007) (“For jurisdiction to exist under 28 U.S.C. § 1332, there must be complete diversity between the parties, which is to say that the plaintiff may not be a citizen of the same state as any defendant.”) (citations omitted). A separate Order of dismissal accompanies this Memorandum Opinion.

  
United States District Judge

Date: June 5, 2012