

FILED

JUN 11 2012

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

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

MELVIN JONES,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security, *et al.*,

Defendants.

Civil Action No.

12 0946

MEMORANDUM OPINION


This matter is before the Court on plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint. The Court will grant the application and dismiss the complaint.

Plaintiff purports to convert the "wrongful denial" of his claim for Social Security benefits into a civil rights claim arising from the defendants' "Failure to Provide Equal Excess [sic] to public benefits and equal protection under the law." Compl. at 1.

In order to bring a civil rights action under 42 U.S.C. § 1983, "[t]here is a requirement of state action on the part of the alleged wrongdoer in order for liability to attach." *Chandler v. W.E. Welch & Assocs., Inc.*, 533 F. Supp. 2d 94, 103 (D.D.C. 2008) (citation omitted). Plaintiff does not allege that defendants were acting "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. Nor does plaintiff allege any constitutionally-protected right he has in the granting of an application for benefits. As plaintiff seeks to bring a § 1983 claim against the defendants based on an alleged violation of his constitutional rights, the claim must be dismissed.

An Order accompanies this Memorandum Opinion.

DATE: 6/5/12



United States District Judge