

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JUL 23 2012

U.S. District Court for the District of Columbia
Clerk of Court

MELVIN JONES,

Plaintiff,

v.

JUDGE CJ STRUCK, *et al.*,

Defendants.

Civil Action No. **12 1210**

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.

Apparently because the administrative law judge assigned to claim for Social Security benefits did not issue his decision in a timely manner, plaintiff files this Complaint titled "Civil Rights Violation and Hate Crime." 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.

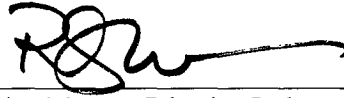
N

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An Order accompanies this Memorandum Opinion.

DATE:

7/16/12

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United States District Judge