

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

DEC 18 2013

Clerk, U.S. District and
Bankruptcy Courts

DaVonta Melvin Rowland,)
)
Plaintiff,)
)
v.)
)
Washington Metropolitan Area)
Transit Authority,)
)
Defendant.)
_____)

Civil Action No.

13-2008

MEMORANDUM OPINION

This matter is before the Court on review of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The application will be granted and the case will be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) (requiring dismissal of a case upon a determination that the complaint fails to state a claim upon which relief may be granted).

Plaintiff, a resident of the District of Columbia, alleges in a one-page complaint that on November 11, 2013, "METRO police officers assaulted [her] with excessive force[,] [a]rrested [her] for a 'false crime' then continuously made racial, sexual discriminatory insults which only made matters worst [sic] for METRO." She seeks \$38 billion in damages against the only named defendant WMATA.

Plaintiff has not stated a basis of jurisdiction but her allegations suggest that she is suing under 42 U.S.C. § 1983, which provides a cause of action for damages against a "person" who violates one's constitutional rights while acting under the authority of "any State . . . or the District of Columbia." A § 1983 claim is properly brought against an individual in his or her

101

personal capacity; thus, “a plaintiff must plead that each Government-official defendant, through the official's own individual actions, has violated the Constitution.” *Ashcroft v. Iqbal*, 556 U.S. 662, 676 (2009). Plaintiff has not named any individuals, and the complaint against WMATA must be dismissed because WMATA is not “a person” subject to liability under § 1983 and furthermore “possesses the sovereign immunity of each of its signatory states.” *Headen v. WMATA*, 741 F. Supp. 2d 289, 294 (D.D.C. 2010) (citing cases); *see accord McMillan v. WMATA*, 898 F. Supp. 2d 64, 69-70 (D.D.C. 2012) (“Numerous courts in this District have held that WMATA is immune from suit under Section 1983.”) (citing cases). A separate Order of dismissal accompanies this Memorandum Opinion.



United States District Judge

Date: December 6, 2013