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## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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

RICHARD GRAY,	)
Plaintiff,	) ) Case: 1:15-cv-01364
v.	Assigned To : Unassigned Assign. Date : 8/21/2015
VENITA JOHNSON, et al.,	Description: FOIA/Privacy Act (I)
Defendants.	)

## MEMORANDUM OPINION

This matter is before the Court on plaintiff's motion to proceed *in forma pauperis* and his *pro se* civil complaint. The Court will grant plaintiff's motion to proceed *in forma pauperis* and dismiss the complaint for failure to state a claim upon which relief can be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(ii).

Plaintiff purports to bring this action under the Privacy Act, *see* 5 U.S.C. § 552a, against the Lyons County, County District Court and its Clerk, Venita Johnson. He alleges that, with respect to a civil action he filed in the Lyons County District Court, defendants "altered [his] name . . . to match the name of a defendant in another case," *id.* ¶ 16, and cancelled a hearing in his case after having failed to locate and serve the named defendant, *see id.* ¶¶ 13, 17. Thus, he asserts, "defendants failed to keep accurate and truthful records which resulted in an adverse effect" on him. Compl. ¶ 21. Plaintiff demands damages of \$686.93, "any further expenses needed to travel to any proceeding involving [this] matter," court costs, and punitive damages of \$25,000. *Id.* at 3 (page number designated by the Court).

The Privacy Act authorizes claims against federal government agencies, including executive departments. *See Martinez v. Bureau of Prisons*, 444 F.3d 620, 624 (D.C. Cir. 2006);

see also Brown v. Kelly, No. 93-5222, 1994 WL 36144, at \*1 (D.C. Cir. Jan. 27, 1994) (per curiam) ("The Privacy Act applies only to agencies which are authorities of the government of the United States."). Accordingly, "[t]he only proper defendant in an action under the Privacy Act is the agency maintaining the challenged record." Bailey v. Fulwood, 780 F. Supp. 2d 20, 27 (D.D.C. 2011) (internal quotation marks and citations omitted). It does not apply to individuals, or to state government entities. See, e.g., Earle v. Holder, No. 11-5280, 2012 WL 1450574, at \*1 (D.C. Cir. Apr. 20, 2012) (per curiam); Martinson v. Violent Drug Traffickers Project, No. 95–2161, 1996 WL 411590, at \*2 (D.D.C. July 11, 1996), aff'd sub nom. Martinson v. DEA, Nos. 96-5262, 96-5276, 96-5367 & 97-5059, 1997 WL 634559 (D.C. Cir. Sept. 22, 1997) (per curiam).

An Order consistent with this Memorandum Opinion is issued separately.

DATE: 8/20/15

United States District Judge