UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

SALEEM EL-AMIN,	
Plaintiff,	Case: 1:16-cv-02138 Assigned To: Unassigned Assign. Date: 10/25/2016
APRIL DOWNS, et al	Description: Pro Se Gen. Civil (F Deck)
Defendant.))

MEMORANDUM OPINION

The plaintiff this civil rights action under 42 U.S.C. § 1983 against the District of Columbia and April Downs, whom he identifies as his defense counsel presumably in proceedings before the Superior Court of the District of Columbia. He alleges that Ms. Downs is liable for depriving him of his liberty by conspiring with the prosecutor with respect to the dismissal of a criminal charge. He demands damages of \$1 million.

"To state a claim under [S]ection 1983, a plaintiff must allege both (1) that he was deprived of a right secured by the Constitution or laws of the United States, and (2) that the defendant acted 'under color of' the law of a state, territory or the District of Columbia." *Hoai v. Vo*, 935 F.2d 308, 312 (D.C. Cir. 1991) (citation omitted), *cert. denied*, 503 U.S. 967 (1992). The Court will dismiss the plaintiff's claims against the District of Columbia because the complaint fails to "contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). In addition, the Court will dismiss the plaintiff's Section 1983 claims for damages against Ms. Downs because she does not act under color of

District of Columbia law in her capacity as the plaintiff's defense attorney. *See, e.g., Hinton v. Rudasill*, 384 F. App'x 2, 3 (D.C. Cir. 2010); *Jackson v. Ponds*, 534 F. Supp. 2d 29, 31 (D.D.C. 2008); *see also Polk Cnty. v. Dodson*, 454 U.S. 312, 325 (1981).

The Court will grant the plaintiff's application to proceed *in forma pauperis* and dismiss this action. An Order accompanies this Memorandum Opinion.

DATE: 10/24/20/6

United States District Judge