

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

GARRETT MARCELL WARBINGTON,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 22-248 (UNA)
)	
)	
KEVIN WARBINGTON,)	
)	
Defendant.)	

MEMORANDUM OPINION

This matter, filed *pro se*, is before the Court on its initial review of plaintiff's Complaint and Request for Injunction, ECF No. 1, and application for leave to proceed *in forma pauperis*, ECF No. 2. The application will be granted, and the case will be dismissed.

Plaintiff Garrett Marcell Warbington, a resident of the District of Columbia, has sued Kevin Warbington, address and job title "unknown," alleging violations of the First Amendment. Compl. at 2, 3, 5. Nothing suggests that the defendant is a governmental actor subject to First Amendment liability. *See Denver Area Educ. Telecommunications Consortium, Inc. v. F.C.C.*, 518 U.S. 727, 737 (1996) (recognizing the terms of the First Amendment as applying to governmental action); *Donohoe v. Watt*, 546 F. Supp. 753, 757 (D.D.C. 1982), *aff'd*, 713 F.2d 864 (D.C. Cir. 1983) ("The First Amendment . . . is applicable only to state, not private, action[.]"). Consequently, this case will be dismissed. *See* 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). A separate order accompanies this Memorandum Opinion.

Date: March 7, 2022

/s/
AMIT P. MEHTA
United States District Judge