

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JOHN D. PERRY :
 :
 Plaintiff, :
 :
 V. : CASE NO. 3:03CV1831(RNC)
 :
 STATE OF CONNECTICUT, ET AL. :
 :
 Defendant. :

ORDER

Plaintiff, proceeding pro se and in forma pauperis, brings this action pursuant to 42 U.S.C. § 1983 seeking money damages and injunctive relief against the state of Connecticut and the Connecticut Superior Court for the Judicial District of New Haven. In essence, he alleges that persons facing assault charges in New Haven Superior Court are being treated more harshly than similarly situated persons in Milford Superior Court and that this differential treatment violates the rights of African-Americans in New Haven. The court is required to review the complaint and dismiss it if it fails to state a claim on which relief may be granted. See 28 U.S.C. § 1915(e)(2)(B)(i) - (iii). After careful review of the complaint, I conclude that it must be dismissed.¹

¹ The caption of the complaint lists two other ostensible defendants: "The Conn. Correction Dept." and "The Conn Patrol [sic] & Probation Dept." Neither is mentioned anywhere else in the complaint. Even assuming they should be treated as defendants for purposes of this ruling, the action against them must be dismissed for the same reasons discussed in the text with regard

Section 1983 enables a plaintiff to bring suit in federal court against a "person" who has deprived him or her of federal rights while acting under color of law. A state, or a state agency, is not a "person" within the meaning of § 1983. See Will v. Michigan Dept. of State Police, 491 U.S. 58, 64 (1989); Spencer v. Doe, 139 F.3d 107, 111 (2d Cir. 1998). Plaintiff's complaint must be dismissed on this basis alone.

Plaintiff's claim for money damages must be dismissed for another reason. Under the Eleventh Amendment, a state and its agencies cannot be sued for money damages in federal court. See Alden v. Maine, 527 U.S. 706, 755-57 (1999); Jones v. New York State Div. of Military & Naval Affairs, 166 F.3d 45, 49 (2d Cir. 1999).

A plaintiff whose federal rights have been violated by state officials may recover money damages against them under § 1983 if he brings suit against them in their personal capacities. The statute also permits suits for injunctive relief against state officials if they are sued in their official capacities. Plaintiff's complaint mentions no individuals by name and therefore fails to state either type of claim.

Accordingly, the complaint is hereby dismissed for failure to state a claim on which relief can be granted.

to the action against the other defendants.

So ordered.

Dated at Hartford, Connecticut this 21st day of November
2003.

Robert N. Chatigny
United States District Judge