NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted August 16, 2023*
Decided August 16, 2023

Before

DIANE P. WOOD, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 22-3038

VANESSA LAQUA TELFORD,
Plaintiff-Appellant,

v.

AURORA HEALTH CARE, INC.,
Defendant-Appellee.

Appeal from the United States District Court for the Eastern District of Wisconsin.

No. 22-CV-929-JPS

J. P. Stadtmueller,
Judge.

O R D E R

Vanessa Telford and her infant son were assaulted by security officers at a private hospital. She sued the hospital under 42 U.S.C. § 1983, but the district court

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

dismissed her complaint for failure to state a claim because the complaint provided no reason to suspect that the officers acted under color of state law. We affirm.

We accept the well-pleaded facts in the operative complaint as true and draw reasonable inferences in Telford's favor. *Rodriguez v. Plymouth Ambulance Serv.*, 577 F.3d 816, 820 (7th Cir. 2009). Telford and her infant son were in a private room at the Aurora Sinai Medical Center Emergency Department in Milwaukee, Wisconsin, when "public safety" entered the room. They pushed her to the ground and pulled her son away by his limbs. The assault caused Telford physical pain and other medical complications.

Telford sued the hospital (a subsidiary of Aurora Health Care, Inc.) under § 1983. The district court dismissed her first complaint at screening, explaining that Aurora Sinai Medical Center was a private hospital and that Telford did not plead any facts suggesting that her attackers had acted under "color of state law," as required for liability under § 1983. *See West v. Atkins*, 487 U.S. 42, 48 (1988); *Rodriguez*, 577 F.3d at 822–23. The district court granted Telford leave to file an amended complaint. When she submitted one, the court concluded again that Telford did not state a claim. It explained that the amended complaint contained no facts that, if true, would allow an inference that the public safety officers were state actors or could be treated as state actors based on some special factor (such as cooperation with a governmental official). The district court therefore dismissed the amended complaint with prejudice. Telford appeals, and we review the dismissal at screening de novo. *Rodriguez*, 577 F.3d at 820.

Telford provides no grounds for upending the district court's decision. Section 1983 creates a private right of action against persons who, acting under color of state law, deprive a plaintiff of rights secured by the federal Constitution and laws. *Am. Mfrs. Mut. Ins. Co. v. Sullivan*, 526 U.S. 40, 50 (1999). Conduct occurs under color of state law if state authority "facilitate[s] or enable[s]" it. *DiDonato v. Panatera*, 24 F.4th 1156, 1161 (7th Cir. 2022). Therefore, private actors can be liable under § 1983 only in limited circumstances, such as "when the private entity performs a traditional, exclusive public function," "when the government compels the private entity to take a particular action," or "when the government acts jointly with the private entity." *Manhattan Cmty. Access Corp. v. Halleck*, 139 S. Ct. 1921, 1928 (2019) (citations omitted).

Telford has not described any of these circumstances in her complaint or in her brief on appeal. Pursuant to Federal Rule of Evidence 201, we can take judicial notice of state records confirming the district court's assertion that Aurora Health Care, Inc. is a

private Wisconsin corporation.[1] Nothing suggests that the actions of the security officers who allegedly assaulted her are "fairly attributable to the State." *West*, 487 U.S. at 49 (internal citation omitted). Therefore, Telford failed to state a claim under § 1983.

Telford might have intended to bring state-law claims in her complaint as well. She was not required to plead legal theories, *see Johnson v. City of Shelby*, 574 U.S. 10, 11 (2014), and her factual allegations could support tort claims. Hearing such claims would have required the district court to exercise supplemental jurisdiction under 28 U.S.C. § 1367 because the parties are not all diverse from one another. *See* 28 U.S.C. § 1332(a). Telford identifies herself as a citizen of Wisconsin; Aurora Health Care is incorporated in—and a citizen of—Wisconsin. *Id*. § 1332(c)(1). There is a presumption that when a district court properly resolves all federal claims before trial, it will relinquish supplemental jurisdiction over related state-law claims. *RWJ Mgmt. Co. v. BP Prod. N. Am., Inc*., 672 F.3d 476, 479 (7th Cir. 2012). The district court made it clear that it was relinquishing supplemental jurisdiction and taking no position on the state-law claims, so we note for the sake of clarity that any state-law claims in the amended complaint are dismissed without prejudice to refiling in another forum.

AFFIRMED

[1] *See Aurora Health Care, Inc.*, Wisconsin Department of Financial Institutions, https://wdfi.org/apps/corpSearch/Details.aspx?entityID=6S23838&hash=1665202697 (last visited August 9, 2023).