IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CRAIG ARMSTRONG,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 17 C 72
	)	
WILLIAM RATH,	)	
	)	
Defendant.	)	

MEMORANDUM ORDER

Craig Armstrong ("Armstrong") has bombarded this District Court with a volley of Complaints filed last week (on January 4), and the one identified in the case caption has been assigned at random to this Court's calendar. In this instance Armstrong's self-prepared submission has employed the Clerk's-Office-supplied form of "Complaint for Violation of Constitutional Rights," and he has used it to charge defendant William Rath ("Rath") with having rendered "ineffective assistance of counsel" in a criminal case back in June 2012 (see Complaint ¶ 6).

But Armstrong's lawsuit faces a number of problems, both procedural and substantive. On what might be termed the procedural side, Armstrong has neither paid the $400 filing fee nor sought in forma pauperis treatment, so that his case could not go forward at this point in any event. But although that deficiency might perhaps be cured (as is true of Armstrong's failure to have provided the required Civil Cover Sheet), his action's substantive deficiency cannot.

In that respect Armstrong charges that Rath, then acting as his criminal defense counsel, violated his constitutional rights under the Sixth and Fourteenth Amendments. But if attorney

Rath was a public defender, it has long been established that such lawyers do not act under color of law so as to be subject to possible liability under 42 U.S.C. § 1983 (see Polk County v. Dotson, 454 U.S. 312 (1981)), while if Rath was a retained counsel any charge of lawyer malpractice on his part would not be assertable in the federal courts because of the absence of diversity of citizenship.

Under the circumstances this Court sees no point in deferring the disposition of this action to await the inevitable dispositive motion by Rath. Instead both Armstrong's Complaint and this action are dismissed sua sponte.

Milton I. Shadur
Senior United States District Judge

Date: January 10, 2017