

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

JAMES S. FELKNOR (SANCTION/BARRED)

CIVIL ACTION 3:10CV1259

VERSUS

JUDGE JAMES

ROBERT HENRY FELKNOR, ET AL

MAGISTRATE JUDGE HAYES

ORDER

Before the Court is a new civil rights complaint filed on August 6, 2010, by pro se plaintiff James S. Felknor (“Plaintiff”). By Judgment dated July 13, 2010, in Civil Action 10-CV-1020, Plaintiff was advised that “the Clerk of Court [will] decline to file any civil complaint submitted by James Samuel Felknor unless the complaint has first been presented to a district judge of this court and the judge has specifically authorized in writing that the complaint may be filed.” Plaintiff’s new complaint is now before the Court.

The Court has reviewed the instant complaint taking into consideration that this is Plaintiff’s seventh civil action filed within the last few months. The prior suits were dismissed *sua sponte* for failure to state a claim or pursuant to a defense motion to dismiss or for summary judgment. Plaintiff filed the current civil rights complaint against the same defendants as in civil action 10-cv-1020, which was filed just two months before this complaint. Plaintiff makes similar allegations against these same defendants in this complaint, but mostly writes about the difficulties he had in preparing this complaint.

To file a claim under 42 U.S.C. §1983, a plaintiff must allege the violation of a right secured by the Constitution and the laws of the United States and must show that the alleged deprivation was “committed by a person acting under color of state law.” West v. Atkins, 108 S.Ct. 2250 (1988). As in the previous case, Plaintiff has not alleged facts to show that the named defendants were anything other than private persons. And, as in the previous case, Plaintiff has failed to show that defendants were “acting under color of state law” for a Section 1983 claim. Plaintiff has clearly not alleged sufficient facts under Section 1983 to present

a plausible claim, and there is no factual basis for the Court to exercise diversity or other form of subject matter jurisdiction.

ACCORDINGLY,

IT IS ORDERED that the complaint filed by Plaintiff is dismissed.

THUS DONE AND SIGNED at Monroe, Louisiana, this 4th day of October, 2010.



ROBERT G. JAMES, CHIEF JUDGE
WESTERN DISTRICT OF LOUISIANA