



## The Complaint

Plaintiff is a civil detainee at the St. Louis Psychiatric Rehabilitation Center. He alleges that David Duke, the former Grand Wizard of the Ku Klux Klan, has tried to murder him with poison for more than twenty years. Plaintiff says he has been placed in the Federal Witness Protection Program, and he seeks to be released from civil confinement.

## Discussion

Section 1983 imposes liability on government actors acting under color of state law. 42 U.S.C. § 1983. “Private actors may incur section 1983 liability only if they are willing participants in a joint action with public servants acting under color of state law.” *Johnson v. Outboard Marine Corp.*, 172 F.3d 531, 536 (8th Cir.1999). To state a claim against a private actor under § 1983, a plaintiff “must establish, at the very least, an agreement or meeting of the minds between the private and state actors, and a corresponding violation of the plaintiffs’ rights under the Constitution or laws of the United States.” *Id.* Plaintiff has not alleged that Duke acted in coordination with any state actors to deprive him of his constitutional rights. Therefore, the complaint fails to state a claim upon which relief can be granted.

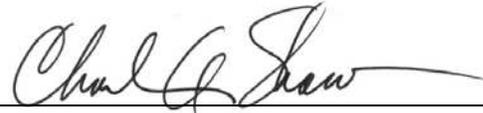
Additionally, an action is factually frivolous if the facts alleged are “fanciful,” “delusional,” or “fantastic.” *Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992). Plaintiff’s allegations are clearly delusional, so the complaint is also subject to dismissal as frivolous.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff’s motion to proceed in forma pauperis is **GRANTED**. [Doc. 2]

**IT IS FURTHER ORDERED** that this action is **DISMISSED** without prejudice.

An Order of Dismissal will be filed separately.

A handwritten signature in black ink, appearing to read "Charles A. Shaw", written over a horizontal line.

**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 17th day of March, 2016.