

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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PEDRO VEGA,

Plaintiff,

DECISION AND ORDER

09-CV-6346L

v.

DANIEL W. HATFIELD; MATTHEW A. MANN;  
JOHN DOE, "A.K.A" HALL CAPTAIN;  
EDWIN MENDEZ, Correctional Officers;  
RICHARD BEALL, Correctional Sergeant,  
New York State Department of  
Corrections

Defendants.

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Plaintiff, Pedro Vega, appearing *pro se*, commenced this action under 42 U.S.C. § 1983. Plaintiff, an inmate in the custody of the New York State Department of Correctional Services (“DOCS”), has asserted various claims against DOCS and several individual employees of DOCS.

DOCS has moved to dismiss the claims against it, on the grounds of sovereign immunity. The motion is granted.

The Eleventh Amendment provides that “[t]he judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state or by citizens or subjects of any foreign state.” Although the amendment refers only to suits by citizens of other states and of foreign countries, “[t]he Supreme Court has interpreted the Eleventh Amendment to bar suits as well by citizens against their own state government.” *Meadows v. State of Indiana*, 854 F.2d 1068, 1069 (7<sup>th</sup> Cir. 1988) (citing *Hans v. Louisiana*, 134 U.S. 1 (1890)); accord *Veloz v. New York*, 35 F.Supp.2d

305, 310 (S.D.N.Y. 1999). The bar also applies not only to suits against the state itself, but to suits against any “arm of the state” such as DOCS. *See Fireman’s Fund Ins. Co. v. City of Lodi, California*, 302 F.3d 928, 957 n. 28 (9<sup>th</sup> Cir. 2002), *cert. denied*, 538 U.S. 961 (2003); *West Virginia Oil and Natural Gas Ass’n v. Wooten*, No. 2:08-CV-00835, 2008 WL 4835319, at \*3 (S.D.W.Va. Nov. 6, 2008); *Bryant v. New York State DOCS Albany*, 146 F.Supp.2d 422, 425 (S.D.N.Y. 2001). Plaintiff’s claims against DOCS are therefore barred by the Eleventh Amendment.

### CONCLUSION

The motion to dismiss filed by the New York State Department of Correctional Services (“DOCS”), Dkt. #26, is granted, and plaintiff’s claims against DOCS are dismissed.

IT IS SO ORDERED.



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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
March 18, 2011.