

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

MONROE MILLER,)	CASE NO. 1:12 CV 005
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
CMHA POLICE DEPARTMENT,)	<u>AND ORDER</u>
)	
Defendant.)	

On January 3, 2012, *pro se* Plaintiff Monroe Miller, an inmate at the Northcoast Correctional Treatment Facility, filed the above captioned action under 42 U.S.C. § 1983 against the Cleveland Metropolitan Housing Authority Police Department. Plaintiff alleges that agents of Defendant used excessive force against him, causing injuries that required medical treatment. For the reasons stated below, this action must be dismissed pursuant to 28 U.S.C. § 1915A.

A district court is expressly required to dismiss any civil action filed by a prisoner seeking relief from a governmental officer or entity, as soon as possible after docketing, if the court concludes that the complaint fails to state a claim upon which relief may be granted, or if the plaintiff seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §1915A; *Siller v. Dean*, No. 99-5323, 2000 WL 145167 , at *2 (6th Cir. Feb. 1, 2000).

It is well established that section 1983 will not support a claim based upon a theory of *respondeat superior* alone. *Polk County v. Dodson*, 454 U.S. 312, 325 (1981). Government entities may be deemed liable for the unconstitutional actions of their agents only when those actions are the result of official policies or customs. *Monell v. Dept. of Social Services*, 436 U.S. 658 (1978). As the Complaint contains no suggestion that a policy or custom of Defendant resulted in the deprivation of Plaintiff's federally protected rights, this case is appropriately subject to dismissal for failure to state a claim. *Elliott v. U.S. Dept. Of Housing and Urban Development*, 43 Fed.Appx. 795, 797 (6th Cir. 2002).

Accordingly, this action is dismissed pursuant to 28 U.S.C. §1915A. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE

March 1, 2012