

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

MARVIN GREEN	]	
Plaintiff,	]	
	]	
v.	]	No. 3:14-2267
	]	Judge Sharp
ATTORNEY GENERAL, et al.	]	
Defendants.	]	

M E M O R A N D U M

The plaintiff, proceeding *pro se*, is an inmate at the West Tennessee State Penitentiary in Henning, Tennessee. He brings this action pursuant to 42 U.S.C. § 1983 against the current Attorney General for the State of Tennessee and Robert Cooper, former State Attorney General, seeking injunctive relief.

The plaintiff's claim reads in its entirety as follows :

The Attorney General and it's agents are answering habeas corpus petitions when prisoner(s) are challenging the unlawful custody of physical body. Rumsfeld v. Padilla, 124 S.Ct. 2711 in violation of 28 U.S.C. § 2243 and Chapter 153 Habeas Corpus.

The Attorney General and it's agents are interfering with plaintiff {sic} constitutional rights, when defendants know that their action(s) are illegal.

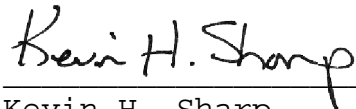
To establish a claim for § 1983 relief, the plaintiff must plead and prove that the defendants, while acting under color of state law, deprived him of a right or privilege guaranteed by the

Constitution or laws of the United States. Parratt v. Taylor, 451 U.S. 527, 535 (1981).

The plaintiff's claim in no way implicates a violation of his rights by the defendants. The defendants answer habeas corpus petitions when the Court instructs them to do so. See Rule 4, Rules - - - § 2254 Cases ("If the petition is not dismissed, the judge must order the respondent to file an answer, motion or other response within a fixed time ...").

Thus, in the absence of a constitutional violation, the plaintiff has failed to state a claim upon which § 1983 relief can be granted. Under such circumstances, the Court is obliged to dismiss the instant action *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.



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Kevin H. Sharp  
Chief District Judge