

The court finds that claims against Denise Y. Lunford, the Commonwealth's Attorney for Albemarle County, and William Kavanah, the police officer who arrested Plaintiff, are misjoined. Accordingly, the claims against these two defendants are dismissed without prejudice and these two defendants are terminated as defendants, pursuant to Rule 21.

To state a claim under § 1983, a plaintiff must allege "the violation of a right secured by the Constitution and 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, 487 U.S. 42, 48 (1988). Plaintiff fails to establish that James Hingley, the Supervisor of the Albemarle County Public Defender's Office, deprived Plaintiff of a federal right while acting under color of state law when advising Plaintiff's court-appointed public defender about representing Plaintiff in state criminal proceedings. See, e.g., Deas v. Potts, 547 F.2d 800 (4th Cir. 1976); Hall v. Quillen, 631 F.2d 1154, 1155-56 & nn.2-3 (4th Cir. 1980); Polk County v. Dodson, 454 U.S. 312, 317-24 & nn.8-16 (1981). Similarly, Plaintiff fails to establish how VOPA's alleged failure to respond to his letters or Paytel Phone System's pricing of phone calls from the Jail constitutes a deprivation of a federal right. Accordingly, the claims against James Hingley, Paytel Phone System, and VOPA are dismissed without prejudice, and these defendants are terminated as defendants to this action, pursuant to 28 U.S.C. § 1915A(b)(1).

Plaintiff's claims against Lt. Col. Kumer, Rosetta Bowles, and the Jail's Medical Director remain pending with the court.

ENTER: This 30th day of June, 2014.



Chief United States District Judge