

language and gestures, cannot support a § 1983 claim under the circumstances alleged here. See Durham v. Vekios, No. 09-cv-5376 (FLW), 2010 WL 5479633 (D.N.J. Dec. 22, 2010) (collecting cases). The motion to dismiss will be granted, and because the plaintiff cannot state a claim upon which relief may be granted, his motions for appointment of counsel and for discovery will be denied.

An order will be entered.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.

