

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

REINALDO DEJESUS JR. : CIVIL ACTION
: :
v. : :
: :
CITY OF PHILADELPHIA : NO. 15-4318

M E M O R A N D U M

JOYNER, J.

AUGUST 10, 2015

Plaintiff has filed a pro se civil action against the City of Philadelphia. He is alleging that he was bullied by a Philadelphia police officer on August 1, 2015.

For the following reasons, plaintiff's claims will be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

Plaintiff is suing the City of Philadelphia. Municipal liability cannot be imposed absent an allegation that unlawful actions were taken pursuant to a municipality's policies, practices, customs, regulations or enactments. Monell v. Department of Social Services, 436 U.S. 658 (1978). There is no such allegation in the present complaint.

In order to bring suit under 42 U.S.C. § 1983, plaintiff must allege that a person acting under color of state law deprived him of his constitutional rights. West v. Atkins, 487 U.S. 42 (1988). Plaintiff's allegation that he was bullied by a Philadelphia police officer does not rise to the level of a constitutional violation.

Finally, although it is not clear, it appears that plaintiff may have filed this complaint because he feels that criminal charges should have been filed against other persons who

have bullied him. However, a private citizen does not have a judicially cognizable interest in the criminal prosecution or nonprosecution of another. Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973).

A district court should generally provide a pro se plaintiff with leave to amend unless amendment would be inequitable or futile. See Grayson v. Mayview State Hosp., 293 F.3d 103, 114 (3d Cir. 2002). Here, plaintiff will not be given leave to amend because amendment would be futile.

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O R D E R

AND NOW, this 10th day of August 2015, IT IS
ORDERED that:

1. Leave to proceed in forma pauperis is GRANTED;
2. This complaint is DISMISSED pursuant to 28 U.S.C.
§ 1915(e)(2)(B)(i); and
3. The Clerk of Court shall CLOSE this case.

BY THE COURT:

s/J. Curtis Joyner

J. CURTIS JOYNER, J.

M E M O R A N D U M

TO: Judge J. Curtis Joyner
FROM: Elaine B. Battle, Pro Se Law Clerk
RE: DeJesus v. The City of Philadelphia
Civil Action No. 15-4318
DATE: August 7, 2015

Enclosed is a proposed memorandum and order dismissing this complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), for the reasons stated in the memorandum.

Attachments