

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL TROOP,)
)
 Plaintiff,)
)
 v.) No. 08 C 6340
)
 NATIONAL RAILROAD PASSENGER)
 CORPORATION, etc., et al.,)
)
 Defendants.)

MEMORANDUM ORDER

In this just-filed action counsel for Michael Troop ("Troop") has sued National Railroad Passenger Corporation d/b/a Amtrak ("Amtrak") and two of its police officers, Leslie Buckles and an unknown officer referred to as Jane Roe,¹ identifying the action as having been brought pursuant to 42 U.S.C. §1983 ("Section 1983") but stating in Complaint ¶2:

Jurisdiction for Plaintiff's federal claims is based on 28 U.S.C. §§1331 and 1343(a).

Those references add nothing to the mix, for they respectively refer to civil actions arising under the laws of the United States (viz. Section 1983) and to civil rights actions (ditto).

Plaintiff's counsel has obviously not thought the matter through, having labeled the two counts in the Complaint in this manner:

¹ That unnamed officer is inexplicably referred to in the case caption as "Jane Doe" rather than "Jane Roe," but the basis for this Court's action reflected in the text makes that disconnect an irrelevancy.

COUNT I

(42 U.S.C. §1983 - Excessive Force)

COUNT II

(42 U.S.C. §1983 - Failure to Intervene)

But by its terms Section 1983 confers federal jurisdiction only against any "person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws"--and that simply does not cover Amtrak or its police officers.

Accordingly this Court sua sponte strikes both the Complaint and this action for lack of subject matter jurisdiction. No ruling is of course made or implied here as to whether Troop may or may not have some other claim against one or more of the named defendants.



Milton I. Shadur
Senior United States District Judge

Date: November 6, 2008