

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

Richmond Division

JAMES ARTHUR WARE, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 CHARLES E. SAMUELS, )  
 )  
 Defendant. )

CIVIL ACTION NO. \_\_\_\_\_

M E M O R A N D U M

The plaintiff is a prisoner being confined at the city jail in Richmond, Virginia. He has filed a complaint pursuant to 42 U.S.C. section 1983 against the defendant, his court-appointed lawyer. The complaint's allegations are confusing, but the basic complaint appears to be that the defendant somehow interfered with the plaintiff in the plaintiff's attempts to make bond and that the defendant helped to prolong the plaintiff's incarceration by agreeing to various continuances of the plaintiff's case.

The complaint was accompanied by a motion to proceed in forma pauperis pursuant to 28 U.S.C. section 1915. That motion is granted and, pursuant to 28 U.S.C. section 1915(d) the complaint is dismissed as being frivolous. The defendant's actions, even if they are actionable, are not under color of state law, a prerequisite to any action under section 1983. Hall v. Quillen, 631 F.2d 1154 (4th Cir. 1980).

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

DATE: \_\_\_\_\_

*to the file*