

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Anderson v. Randall Park Mall Corp.

571 F. Supp. 1173 (N.D. Ohio 1983) · No. Civ. A. No. C81-2484 · Decided September 29, 1983

SUMMARY

The court granted Randall Park Mall Corporation's motion for summary judgment in an action under 42 U.S.C. § 1983 arising from the detention of a teenager by private mall security guards. The court held that the guards' conduct did not constitute action under color of state law because there was no evidence of police involvement, a preexisting arrangement with law enforcement, or state compulsion. It also concluded that the alleged detention, absent racial discrimination or other impermissible conduct, did not establish a constitutional deprivation.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Eastern Division
WRITING FOR THE COURT	Ann Aldrich
JURISDICTION	Ohio
DECIDED	September 29, 1983
DOCKET	Civ. A. No. C81-2484
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved for summary judgment in the plaintiffs' 42 U.S.C. § 1983 action alleging Fourteenth Amendment violations.
STANDARD OF REVIEW	Summary judgment is appropriate where the undisputed facts show that the moving party is entitled to judgment as a matter of law; the court also applied the two-element test for a § 1983 claim.
PRECEDENTIAL VALUE	Published federal district court opinion; persuasive authority within the district and circuit.

TOPICS

- section 1983
- summary judgment
- state action
- civil rights
- fourteenth amendment

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the mall security guards acted under color of state law for purposes of 42 U.S.C. § 1983.
2. Whether Anderson established a deprivation of a constitutional right sufficient to support a § 1983 claim.
3. Whether Randall Park Mall Corporation was entitled to summary judgment.

HOLDINGS

1. Private mall security guards' state licensing, statutory authority to detain shoplifters or trespassers, and the existence of state detention statutes did not constitute state action absent state compulsion or an overt, preexisting arrangement between the mall and police.
2. The detention and restriction of Anderson's movement by private mall security guards, absent racial discrimination or other impermissible conduct, did not constitute a deprivation of a constitutional right actionable under § 1983.
3. Randall Park Mall Corporation was entitled to summary judgment because the plaintiffs could establish neither state action nor a constitutional deprivation.

KEY QUOTATIONS

“'[The Supreme] Court however, has never held that a State's mere acquiescence in a private action converts that action into that of the State.'” (571 F. Supp. at 1176)

FACTUAL BACKGROUND

After attending a show at Randall Park Mall, Anderson joined friends who were walking quickly and talking loudly while arranging transportation home. Mall security guards repeatedly instructed the group to quiet down and directed Anderson to leave because of the disturbance and alleged loitering. When Anderson refused, guards handcuffed her and took her to a mall security room, where she was detained for approximately fifteen minutes and released without being charged. Anderson testified that the guards' conduct was not racially motivated.

PROCEDURAL HISTORY

Nicole Anderson and other plaintiffs sued Randall Park Mall Corporation in federal district court, alleging that mall security guards acted under color of state law and violated their civil rights by detaining Anderson. The undisputed facts were drawn from interrogatory responses and Anderson's deposition. The court granted Randall Park's motion for summary judgment and dismissed the action.

DISPOSITION

dismissed

CASES CITED

- *Flagg Brothers, Inc. v. Brooks*, 436 U.S. 149, 98 S. Ct. 1729, 56 L. Ed. 2d 185 (1978)

- *Adickes v. S.H. Kress and Company*, 398 U.S. 144, 150, 170, 90 S. Ct. 1598, 26 L. Ed. 2d 142 (1970)
- *Marsh v. Alabama*, 326 U.S. 501, 66 S. Ct. 276, 90 L. Ed. 265 (1946)
- *Amalgamated Food Employees Union Local 590 v. Logan Valley Plaza, Inc.*, 391 U.S. 308, 88 S. Ct. 1601, 20 L. Ed. 2d 603 (1968)
- *Lloyd Corp. v. Tanner*, 407 U.S. 551, 92 S. Ct. 2219, 33 L. Ed. 2d 131 (1972)
- *Hudgens v. NLRB*, 424 U.S. 507, 519, 96 S. Ct. 1029, 47 L. Ed. 2d 196 (1976)
- *Burton v. Wilmington Parking Authority*, 365 U.S. 715, 81 S. Ct. 856, 6 L. Ed. 2d 45 (1961)
- *Curtis v. Rosso & Mastracco, Inc.*, 413 F. Supp. 804, 807 (E.D. Va. 1976)
- *White v. Scrivner Corporation*, 594 F.2d 140, 143 (5th Cir. 1979)
- *Hernandez v. Schwegmann Brothers Giant Supermarkets*, 673 F.2d 771, 772 (5th Cir. 1982)

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