

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA, SOUTH BEND DIVISION

Jermaine Young v. Andrew Achey

Young v. Achey · No. 3:26-CV-646-TLS-JEM · Decided May 21, 2026

SUMMARY

The court dismissed Jermaine Young’s prisoner complaint against his criminal defense attorney under 28 U.S.C. § 1915A. It held that the attorney was not acting under color of state law and that amendment would be futile.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, South Bend Division
WRITING FOR THE COURT	Theresa L. Springmann
JURISDICTION	United States District Court for the Northern District of Indiana, South Bend Division
DECIDED	May 21, 2026
DOCKET	3:26-CV-646-TLS-JEM
DISPOSITION	dismissed
PROCEDURAL POSTURE	A prisoner proceeding pro se filed a civil-rights complaint against his criminal defense attorney. The district court screened the complaint under 28 U.S.C. § 1915A and dismissed it as frivolous.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must review the merits of a prisoner complaint and dismiss it if the action is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant.
PRECEDENTIAL VALUE	unpublished
PARTIES	Jermaine Young v. Andrew Achey

TOPICS

- section 1983
- prisoners rights
- motions to dismiss
- civil rights
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Young's complaint stated a claim under 42 U.S.C. § 1983 against his criminal defense attorney.
2. Whether the complaint should be dismissed under 28 U.S.C. § 1915A.
3. Whether Young should be granted leave to amend the complaint.

HOLDINGS

1. The complaint failed to state a § 1983 claim because Achey was not acting under color of state law while performing traditional defense-counsel functions.
2. The action was dismissed as frivolous under 28 U.S.C. § 1915A.
3. Leave to amend was denied because amendment would be futile.

KEY QUOTATIONS

“A document filed pro se is to be liberally construed, and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.”

“A public defender does not act under color of state law when performing a lawyer’s traditional functions as counsel to a defendant in a criminal proceeding.”

“The usual standard in civil cases is to allow defective pleadings to be corrected, especially in early stages, at least where amendment would not be futile.”

“District courts, however, have broad discretion to deny leave to amend a complaint where the amendment would be futile.”

FACTUAL BACKGROUND

Young, a prisoner proceeding without counsel, alleged that he paid Andrew Achey \$10,000 to represent him in a state criminal case. He alleged that Achey promised to obtain drug-court placement, but Young was instead sentenced to prison. The complaint characterized Achey's representation as constitutionally deficient.

PROCEDURAL HISTORY

Young alleged that Achey, whom he paid to represent him in a state criminal case, failed to properly represent him and did not obtain placement in drug court. Upon screening the prisoner complaint under § 1915A, the court concluded that Achey was not acting under color of state law and that amendment would be futile. The court dismissed the action as frivolous.

DISPOSITION

dismissed

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Polk County v. Dodson, 454 U.S. 312, 325 (1981)
- McDonald v. White, 465 F. App'x 544, 548 (7th Cir. 2012)
- Abu-Shawish v. United States, 898 F.3d 726, 738 (7th Cir. 2018)
- Russell v. Zimmer, Inc., 82 F.4th 564, 572 (7th Cir. 2023)

OPINION

Young

PER CURIAM.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF INDIANA

SOUTH BEND DIVISION

JERMAINE YOUNG,

Plaintiff,

v. CAUSE NO. 3:26-CV-646-TLS-JEM

ANDREW ACHEY,

Defendant.

OPINION AND ORDER

Jermaine Young, a prisoner without a lawyer, filed a complaint alleging his criminal defense attorney did not properly represent him in State Court. ECF 1. “A document filed pro se is to be liberally construed, and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.” Erickson v. Pardus, 551 U.S. 89, 94 (2007) (cleaned up). Nevertheless, under 28 U.S.C. § 1915A, the court must review the merits of a prisoner complaint and dismiss it if the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. Young alleges he paid Andrew Achey \$10,000 to represent him in a State criminal case. He alleges he was sentenced to prison after Achey promised to get him “drug court.” This allegation does not state a claim because Achey was not acting under color of state law. See Polk County v. Dodson, 454 U.S. 312, 325 (1981) (“[A] public defender does not act under color of state law when performing a lawyer’s traditional functions as counsel to a defendant in a criminal proceeding.”); McDonald v. White, 465 F. App’x 544, 548 (7th Cir. 2012) (explaining that claims against a public defender are frivolous because “court-appointed public defender is not a state actor, and thus cannot be sued under 42 U.S.C. § 1983”). “The usual standard in civil cases is to allow defective pleadings to be corrected, especially in early stages, at least where amendment would not be futile.” Abu-Shawish v. United States, 898 F.3d 726, 738 (7th Cir. 2018). “District courts, however, have broad discretion to deny leave to amend a complaint where the amendment would be futile.” Russell v. Zimmer, Inc., 82 F.4th 564, 572 (7th Cir. 2023) (citation omitted). For

the reasons previously explained, such is the case here. For these reasons, this case is DISMISSED under 28 U.S.C. § 1915A as frivolous. SO ORDERED on May 21, 2026. s/ Theresa L. Springmann

JUDGE THERESA L. SPRINGMANN

UNITED STATES DISTRICT COURT

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