

**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.

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