

**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

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

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-northern-district-of-in/2026/jermaine-young-v-andrew-achey-uc23irdx>