

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

RYAN MATTHEW BROWN,

Plaintiff,

v.

CASE NO. 19-3253-SAC

A SECOND CHANCE BAIL BONDS, et al.,

Defendants.

MEMORANDUM AND ORDER

Plaintiff Ryan Matthew Brown, an inmate at the Sedgwick County Jail in Wichita, Kansas, brings this *pro se* civil rights action under 42 U.S.C § 1983. He proceeds *in forma pauperis*. Mr. Brown’s complaint takes issue with the actions of two bail bondspersons on July 26, 2018. Plaintiff names as defendants A Second Chance Bail Bonds and Dante Duncan, one of the bondsmen.

On December 11, 2019, the Court entered a Memorandum and Order to Show Cause (MOSC) (ECF No. 5) ordering Plaintiff to show cause by January 13, 2020, why his complaint should not be dismissed due to the deficiencies set forth in the MOSC. Plaintiff has not responded to the MOSC.

The MOSC found that Plaintiff failed to state a claim under § 1983 because the defendants were not state actors. “To state a claim under section 1983, a plaintiff must allege the violation of a right secured by the Constitution and laws of the United States, and must show that the alleged deprivation was committed by a person acting under color of state law.” *West v.*

Atkins, 487 U.S. 42, 48–49 (1988) (citing *Parratt v. Taylor*, 451 U.S. 527, 535 (1981), overruled in part on other grounds, *Daniels v. Williams*, 474 U.S. 327, 330–331 (1986); *Flagg Bros., Inc. v. Brooks*, 436 U.S. 149, 155 (1978)); *Northington v. Jackson*, 973 F.2d 1518, 1523 (10th Cir. 1992). Defendants’ status as a bonding company and a bondsperson does not cause them to be state actors. See *United States v. Poe*, 556 F.3d 1113, 1123-24 & n.14 (10th Cir. 2009); *Dean v. Olibas*, 129 F.3d 1001, 1006 n.4 (8th Cir. 1997).

IT IS THEREFORE ORDERED that the complaint is dismissed for failure to state a claim on which relief may be granted under 42 U.S.C. §1983.

IT IS SO ORDERED.

DATED: This 29th day of January, 2020, at Topeka, Kansas.

s/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge