IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL YOUNG,

Plaintiff,

v.

THE SENIOR CITIZENS EMPLOYMENT AND TRAINING PROGRAM, BROOKE HOEL, and DALA EILEN,

Defendants.

OPINION AND ORDER

13-cv-515-wmc

Plaintiff Michael Young alleges that defendants Senior Citizens Employment and Training Program, Brooke Hoel and Dala Eilen denied Young work at the senior citizens job training program in violation of his constitutional rights. Plaintiff received leave to proceed under the *in forma pauperis* statute, 28 U.S.C. § 1915, after the court concluded that he was unable to prepay the fee for filing this lawsuit. (Dkt. #3.) The next step is determining whether any of plaintiff's proposed claims (1) are frivolous or malicious; (2) fail to state a claim on which relief may be granted; or (3) seek money damages from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). For the reasons that follow, the court will deny plaintiff leave to proceed.

ALLEGATIONS OF FACT

In addressing any *pro se* litigant's complaint, the court must read the allegations generously. *Haines v. Kerner*, 404 U.S. 519, 521 (1972). For purposes of this screening order, the court assumes the following, potentially material facts based on the allegations in Young's complaint:

- Brooke Hoel and Dala Eilen are employed at the Senior Citizens Employment and Training Program in Eau Claire, Wisconsin. Young alleges that this entity receives money from state and federal governments.
- On November 12, 2012, Brooke Hoel and Dala Eilen refused to allow Young to "work" in the job training program.
- Young alleges that he received a right to sue letter from the Equal Employment Opportunity Commission ("EEOC") based on this refusal.

OPINION

Pursuant to 42 U.S.C. § 1983, Young can only assert a constitutional challenge against a defendant who acted under color of state law. This means that "the party charged with the deprivation must be a person who may fairly be said to be a state actor" or official, who "has acted with or has obtained significant aid from state officials," or whose "conduct is otherwise chargeable to the State." *Lugar v. Edmundson Oil Co.*, 457 U.S. 922, 937 (1982).

Here, the complaint does not allege or otherwise raise a reasonable inference that defendants fall under any of these categories. The Senior Citizens Employment and Training Program is not a government entity. The alleged fact that it receives funding from the state or federal government does not turn any of the defendants into state law actors under § 1983. *See Turner v. Jackson Park Hosp.*, 264 Fed. Appx. 527, 530, No. 07-3465, 2008 WL 397587, at *2 (7th Cir. Feb. 14, 2008) (unpublished) ("The receipt of federal funds alone is not sufficient to establish state action.") (citing *Rendell-Baker v. Kohn*, 457 U.S. 830, 840 (1982)). As such, plaintiff cannot allege a constitutional violation against these defendants, even if their alleged denial of employment implicated his constitutional rights.

While the receipt of federal funding may be relevant to claims under the Rehabilitation Act, 29 U.S.C. § 701 *et seq.*, or under Title VI, 42 U.S.C. § 2000d *et seq.*, both statutes require proof of discrimination. Here, Young has not alleged discrimination on any basis. Young has also failed to state a claim under Title VII, 42 U.S.C. § 2000e *et seq.*, even assuming this organization could constitute an employer.

Finding no claim for which Young could seek relief in this court, the court will deny his motion for leave to proceed and dismiss this case with prejudice.

ORDER

IT IS ORDERED that:

1) plaintiff Michael Young's motion for leave to proceed is DENIED;

2) plaintiff's claims are dismissed with prejudice; and

3) plaintiff's request for assistance in recruiting counsel is DENIED as moot.

Entered this 2nd day of December, 2013.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge