

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 00-7133

September Term, 2000

99cv01048

Filed On: January 18, 2001 [569551]

Jervon L. Herbin,
Appellant

v.

Janet C. Hoeffel, et al.,
Appellees

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

BEFORE: Sentelle, Henderson, and Rogers, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the briefs filed by the parties. The court has determined that the issues presented occasion no need for an opinion. See Fed. R. App. P. 36; D.C. Cir. Rule 36(b). It is

ORDERED AND ADJUDGED that the district court's order filed May 2, 2000, be affirmed. Appellant failed to state a claim under 42 U.S.C. § 1983 because the defendants did not act under color of state law. See *Polk County v. Dodson*, 454 U.S. 312, 325 (1981). The district court properly declined to exercise jurisdiction over the supplemental claims. See 28 U.S.C. § 1367(c)(3).

The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam