

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 06-7164

September Term, 2006

06cv01396

Filed On: December 22, 2006

[1012748]

Tyrone Hurt,
Appellant

v.

Margaret Quick, Chairman of the D.C. Board of Parole,
Appellee

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

BEFORE: Ginsburg, Chief Judge, and Randolph and Garland, 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 brief and appendix filed by appellant. It is

ORDERED AND ADJUDGED that the district court's order filed August 28, 2006 be affirmed. The district court properly dismissed this action pursuant to § 1915(e) for failure to state a claim upon which relief may be granted. See § 1915(e)(2)(B). Appellant's allegations concerning the conditions of his parole do not rise to the level of an Eighth Amendment violation. See Estelle v. Gamble, 429 U.S. 97, 102-07 (1976). Furthermore, to the extent appellant is suing the former Chairperson of the D.C. Board of Parole in her individual capacity, the district court correctly held the complaint does not allege that the former Chairperson, "acting under color of state law, caused the deprivation of a federal right." Kentucky v. Graham, 473 U.S. 159, 166 (1985). See Simpkins v. District of Columbia Gov't, 108 F.3d 366, 369 (D.C. Cir. 1997) (complaint must allege personal involvement by government official in events giving rise to constitutional claim).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution 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

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