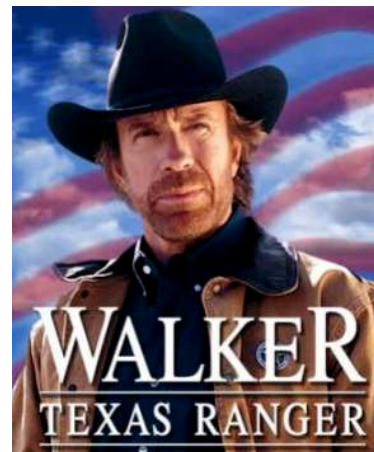


# § 1983 actions

**Part of the Civil Rights Act of 1871, the private right of action found under § 1983 allows plaintiff to sue state and local officials for violations of constitutional rights.** Here's the text:

42 U.S.C. § 1983. Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.



*This man acts under color of state authority, but he doesn't violate constitutional rights. Too bad all cops aren't Walker (Image: CBS)*

This statute gives people an actual cause of action to use against bad apples, other than federal officials, who violate civil rights while asserting legal authority to do so. It trumps state sovereign immunity because the federal Constitution trumps state law.

**To state a claim:** a plaintiff must allege that she or he:

- was deprived of a constitutional right
- by someone
- acting under color of state or local authority.

**It's a delightful addition to many litigations! Use it for:** police brutality, bystanders injured in police chases, public employees denied free-speech rights by their bosses, and for prisoners suing over just about anything, including, for instance, bad food (if, you know, it's *Eighth Amendment* bad).

The federal counterpart of a § 1983 action is a *Bivens* action.