

No. 18-6004

---

In the Supreme Court of The United States

---

MATTHEW JONES,  
*Petitioner,*

v.

YALE UNIVERSITY, STATE OF CONNECTICUT SUPERIOR  
COURT, GUILFORD POLICE DEPARTMENT, LAURA LODGE, AND,  
LAURA DeLEO,  
*Respondents.*

---

On Petition For A Writ Of Certiorari To  
The United States Court of Appeals for the Second Circuit

---

BRIEF FOR YALE UNIVERSITY IN OPPOSITION TO  
PETITION FOR A WRIT OF CERTIORARI

---

PATRICK M. NOONAN  
*Counsel of Record*  
Donahue, Durham, & Noonan, P.C.  
741 Boston Post Road, Suite 306  
Guilford, CT 06437  
Phone: (203)458-9168  
pnoonan@ddnctlaw.com

*Counsel for Respondent Yale University*

## QUESTIONS PRESENTED

1. Whether there exists a compelling reason to grant a writ of certiorari?
2. Whether Yale University is a state actor under 42 U.S.C. § 1983, which prohibits an entity that is acting under the color of state law from violating a person's constitutional rights?

### CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.6, Respondent, Yale University, states that there are no parent corporations or any publicly held corporation which owns 10% or more of its stock.

## TABLE OF CONTENTS

	<u>Page No.</u>
QUESTIONS PRESENTED .....	ii
CORPORATE DISCLOSURE STATEMENT .....	iii
TABLE OF CONTENTS .....	iv
TABLE OF AUTHORITIES.....	v
OPINIONS BELOW .....	1
STATEMENT OF JURISDICTION.....	1
STATEMENT OF THE CASE .....	2
I.    Procedural Background .....	2
II.   Factual Background.....	3
REASONS FOR DENYING THE WRIT .....	4
I.    There is no compelling reason to grant a writ of certiorari .....	4
II.   Respondent is not a state actor and therefore Petitioner cannot make a cognizable claim against Respondent for constitutional violations under 42 U.S.C. § 1983 .....	5
CONCLUSION .....	7

## TABLE OF AUTHORITIES

<u>Cases</u>	<u>Page No.</u>
<u>Andersen v. N. Shore Long Island Jewish Health System’s Zucker Hillside Hosp.</u> , 632 F. App’x. 13 (2d Cir. 2016) .....	6
<u>Fabrikant v. French</u> , 691 F.3d 193 (2d Cir. 2012) .....	6
<u>Goodewardena v. New York</u> , 475 F. Supp. 2d 310 (S.D.N.Y. 2007) .....	5
<u>Hogan v. A.O. Fox Memorial Hosp.</u> , 346 F. App’x. 627 (2d Cir. 2009) .....	5, 6
<u>McGugan v. Aldana-Bernier</u> , 752 F.3d 224 (2d Cir. 2014) .....	5, 6
<u>Porter v. Morris</u> , 2011 U.S. Dist. LEXIS 78060 (D. Conn. July 19, 2011) .....	6, 7
 <u>Statutes</u>	
18 U.S.C. § 7 .....	4
18 U.S.C. § 111 .....	4
18 U.S.C. § 1035 .....	3
42 U.S.C. § 1983 .....	5, 6, 7
 <u>Rules</u>	
Supreme Court Rule 10.....	4, 5
Federal Rule of Civil Procedure 8.....	2

IN THE SUPREME COURT OF THE UNITED STATES

---

No. 18-6004

MATTHEW JONES, PETITIONER

v.

YALE UNIVERSITY, STATE OF CONNECTICUT SUPERIOR COURT,  
GUILFORD POLICE DEPARTMENT, LAURA LODGE, AND LAURA DELEO,  
RESPONDENTS

---

ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

---

BRIEF FOR RESPONDENT YALE UNIVERSITY IN OPPOSITION

---

**OPINIONS BELOW**

The Second Circuit Court of Appeals issued a Summary Order. (Pet. App. A.)  
See Jones v. Conn. Superior Court, 722 F. App'x. 109 (2d Cir. 2018). The order of  
the District Court of Connecticut is unreported. (Pet. App. B.)

**JURISDICTION**

The judgment of the United States Court of Appeals for the Second Circuit  
was entered on May 18, 2018. A petition for rehearing was denied on June 19,  
2018. The petition for a writ of certiorari was filed on September 18, 2018. The  
jurisdiction of this Court is invoked under 28 U.S.C. § 1254 (1).

## STATEMENT OF THE CASE

### **I. Procedural Background**

Petitioner, Matthew Jones, commenced this action against Respondent, Yale University, on April 12, 2017 in the United States District Court for the District Court of Connecticut. See Pet. App. B at p. 1. The Complaint filed by Petitioner alleged against Respondent 41 criminal law claims, constitutional claims for violations of the First through Fifteenth Amendments, and state common law claims of “Negligence, Loyalty, Privacy Violations.” Id.

The District Court (Shea, J.) issued a ruling on May 25, 2017 *sua sponte* dismissing all claims against Respondent pursuant to 28 U.S.C. § 1915 (e)(2). (Pet. App. B at p. 2).<sup>1</sup> With regard to Petitioner’s criminal law claims against Respondent, the District Court concluded that a private citizen cannot bring claims in a civil action. See Pet. App. B at p. 4. The District Court dismissed Petitioner’s constitutional claims for two reasons: (1) failure to state a claim and (2) lack of state action. Id. at p. 4-5. The District Court dismissed Petitioner’s state common law claims without prejudice under Federal Rule of Civil Procedure 8, because even construing the complaint liberally, the allegations were insufficient to state a recognizable legal claim. Id. at p. 5-6.

On June 15, 2017, Petitioner filed a Motion to Reopen. See District Court Docket 3:17-CV-00599-MPS, Docket Entry No.13. The District Court denied

---

<sup>1</sup> The ruling dismissed with prejudice all criminal law and constitutional law claims against Respondent and dismissed without prejudice the state common law claims against Respondent.

Petitioner's motion on July 20, 2017, concluding that Petitioner had failed to comply with Judge Shea's previous order that if Petitioner wished to amend his complaint, he would need to "set forth sufficient facts, accepted as true, that state a claim for relief." Judge Shea noted that Petitioner had essentially repeated the same allegations as had been made in his prior complaint. See District Court Docket 3:17-CV-00599-MPS, Docket Entry No. 17. On June 14, 2017, Petitioner filed a Notice of Appeal to the United States Court of Appeals for the Second Circuit. See District Court Docket 3:17-CV-00599-MPS, Docket Entry No. 10.

On August 17, 2017, Petitioner filed his brief in support of his appeal of the District Court's Order with the Second Circuit Court of Appeals. The Second Circuit issued a Summary Order affirming the District Court's judgment on May 18, 2018. See Pet. App. A.

## **II. Factual Background**

According to Petitioner's original complaint against Respondent, the relevant events occurred between August 2010 and November 2010.<sup>2</sup> Petitioner alleged in conclusory fashion, without providing any factual allegations in support, that Respondent misdiagnosed him with schizophrenia, medicated him involuntarily, held him against his will, "misidentified" his mother, and participated in a criminal process against him. See Pet. App. B at p. 1. The original complaint stated that Respondent violated 18 U.S.C. § 1035, which prohibits the making of "false

---

<sup>2</sup> Given that the longest statute of limitations applicable to Petitioner's potential claims is three years, it appears the statute of limitations expired well before Petitioner filed his action in the District Court on April 12, 2017.



statements relating to health care matters.” Petitioner contends that he was diagnosed as a schizophrenic, and he alleges that schizophrenics have low intelligence; cannot read, write, or speak clearly; and eat and drink bodily waste. Petitioner claims to be an intelligent college graduate, and alleges that Respondent made this diagnosis in a malicious attempt to harm him. Furthermore, Petitioner claims that Respondent misidentified Petitioner’s birth mother, Linda C. Jones. According to Petitioner, Linda C. Jones is a “disabled gendered XY.”

Petitioner’s original complaint also asserts that Respondent violated 18 U.S.C. § 7, which Petitioner states governs assaults. In addition, Petitioner provided an extensive list of “crimes, counts, titles, and laws” which Respondent allegedly violated in connection with its interactions with Petitioner. Petitioner failed to do any more than make conclusory statements in this regard; the complaint contains no explanation as to how Respondent violated these laws. To compensate him for his alleged injuries, Petitioner sought \$2 billion in damages.

### **REASONS FOR DENYING THE WRIT**

#### **I. There is no compelling reason to grant a writ of certiorari.**

Supreme Court Rule 10 provides that a “petition for writ of certiorari will be granted only for compelling reasons.” For example, the Court may grant a writ of certiorari when a “state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals” or when “a state court...has decided an important question of federal law that has not been, but should be, settled by this Court.” See Supreme Court Rule 10. However, a “petition for a writ of certiorari is

rarely granted when the asserted error consists of erroneous factual findings or the misapplication of a properly stated rule of law.” Id.

Neither the decision of the Second Circuit Court of Appeals nor the decision of the District Court of Connecticut conflicts with any decision of this Court, federal court of appeals, or state court of last resort. Petitioner has not carried his heavy burden of demonstrating compelling reasons for the Petition to be granted.

Therefore, Petitioner’s petition for writ of certiorari should be denied.

**II. Respondent is not a state actor and therefore Petitioner cannot make a cognizable claim against Respondent for constitutional violations under 42 U.S.C. § 1983.**

In an apparent effort to state a claim under 42 U.S.C. § 1983, Petitioner has alleged that Respondent committed violations of the First through Fifteenth Amendments to the U.S. Constitution. However, Petitioner has not alleged a cognizable claim against Respondent under 42 U.S.C. § 1983, because Respondent is neither a government entity nor a state actor.

“Section 1983 proscribes conduct under color of state law which deprives a plaintiff of a right guaranteed by the federal Constitution or a federal law.”

Goonewardena v. New York, 475 F. Supp. 2d 310, 329 (S.D.N.Y. 2007). “A private entity acts under the color of state law for purpose of §1983 when ‘(1) the State compelled the conduct..., (2) there is a sufficiently close nexus between the State and the private conduct..., or (3) the private conduct consisted of activity that has traditionally been the exclusive prerogative of the State.’” McGugan v. Aldana-Bernier, 752 F.3d 224, 229 (2d Cir. 2014) (*quoting* Hogan v. A.O. Fox Memorial

Hosp., 346 F. App'x. 627, 629 (2d Cir. 2009)). “The fundamental question...is whether the private entity’s challenged actions are ‘fairly attributable’ to the state.” Fabrikant v. French, 691 F.3d 193, 207 (2d Cir. 2012).

Even if Petitioner had asserted claims in his complaint that could be construed as alleging a cause of action pursuant to 42 U.S.C. § 1983, the Second Circuit has held that “‘the forcible medication and hospitalization of [a plaintiff] by private health care providers’” cannot be fairly attributed to the state, for purposes of § 1983. Andersen v. N. Shore Long Island Jewish Health System’s Zucker Hillside Hosp., 632 F. App'x. 13, 14 (2d Cir. 2016) (*quoting* McGugan, 752 F.3d at 229). Therefore, the medicating and hospitalization of the Petitioner cannot be attributed to the state. As such, Respondent cannot be considered to have acted under color of state law, and therefore it is not liable for any alleged constitutional violations.


In Porter v. Morris, 2011 U.S. Dist. LEXIS 78060 \*1-2 (D. Conn. July 19, 2011) (Droney, J.), the *pro se* plaintiff brought a civil rights action wherein he alleged that he was provided inadequate medical care at Yale New Haven Hospital for injuries suffered during his arrest. The district court explained: “To state a section 1983 claim, plaintiff must allege that a person acting under color of state law violated his constitutionally or federally protected rights.” Id. at \*3. The Court observed that Yale-New Haven Hospital was affiliated with Yale University and the Yale University School of Medicine. It was not a state facility. The individual defendants were employees of Yale New Haven Hospital. The Court also noted that

the plaintiff had not alleged any facts to suggest that any defendant satisfied the requirements needed to demonstrate that a private entity may be considered a state actor. Therefore, the district court dismissed the § 1983 claim for lack of state action. *Id.* at \*3-4. The same reasoning applies with equal force to this petition for writ of certiorari. Petitioner has failed to allege facts, in any pleading, which would permit the conclusion that Respondent is a state actor, and therefore Petitioner does not have a cognizable claim against Respondent under 42 U.S.C. § 1983.

### CONCLUSION

Petitioner has not established any compelling reasons for this Court to grant the Petition. In addition, Petitioner's claims cannot survive due to the lack of state of action and the fact that the statute of limitations has expired for any possible cause of action Petitioner might have alleged. Therefore, Respondent respectfully requests that the Court deny the Petition.

Respectfully submitted,



PATRICK M. NOONAN

*Counsel of Record*

Donahue, Durham, & Noonan, P.C.

741 Boston Post Road, Suite 306

Guilford, CT 06437

Phone: (203)458-9168

pnoonan@ddnctlaw.com

*Counsel for Respondent Yale University*

Dated: October 16, 2018