



## University-Employed Physician is Not Liable as a State Actor Under 42 USC 1983 for Treating Prisoner

A prisoner was treated in a hospital's radiation oncology unit. Our client, the University of Michigan Health System, staffed the unit with university-employed physicians. The prisoner brought an action under 42 U.S.C. § 1983, alleging the physician violated his constitutional rights in the course of treatment. The federal district court granted summary judgment and dismissed the complaint. The Sixth Circuit affirmed, holding as a matter of first impression that a physician employed by a state university is not a "state actor" or "acting under color of state law" under § 1983, and therefore, cannot be sued for alleged violations of constitutional rights.

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### **AUTHORS/ CONTRIBUTORS**

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### **PRACTICE AREAS**

Appellate Practice

Health Care

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