

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 11-1023

Otha Eric Townsend,

Appellant,

v.

Sharon Jacks, Assistant Public
Defender, Individual and Official
Capacity, also known as Sharon
Jackson,

Appellee.

*
*
*
* Appeal from the United States
* District Court for the
* District of Minnesota.
*
* [UNPUBLISHED]
*
*
*
*

Submitted: May 27, 2011

Filed: June 3, 2011

Before LOKEN, MURPHY, and COLLOTON, Circuit Judges.

PER CURIAM.

Minnesota inmate Otha Eric Townsend appeals the district court's¹ order dismissing his 42 U.S.C. § 1983 action against his former state public defender. After careful de novo review, see Cooper v. Schriro, 189 F.3d 781, 783 (8th Cir. 1999) (per curiam), we agree with the district court that Townsend failed to state a claim because

¹The Honorable David S. Doty, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Arthur J. Boylan, United States Magistrate Judge for the District of Minnesota.

the public defender was not acting under color of state law when representing Townsend, see Polk Cnty. v. Dodson, 454 U.S. 312, 325 (1981).

Accordingly, we affirm. See 8th Cir. R. 47B.
