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Joy Cramer v. Donna Pruey

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 10-4667

JOY L. CRAMER; WILMER H. SCOTT,
Appellants

v.

DONNA PRUEY; ALLEN E. PRUEY; SHERRY BELL (PRUEY) SOCCIO; DONALD
E. RUSSLER, JR.; CONNIE C. RUSSLER; TROOPER JESSE L. DUMM, individually;
TROOPER STEVEN C. PETERSON, individually; TROOPER KEVIN REESE,
individually; ROBERT M. BECK, Huntingdon Valley Dog Warden, individually,

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(Civ. No. 10-796)
District Judge: Honorable William W. Caldwell

Submitted Under Third Circuit L.A.R. 34.1(a),
July 14, 2011

BEFORE: SLOVITER, FUENTES, and FISHER, *Circuit Judges*

(Filed: July 20, 2011)

OPINION OF THE COURT

FUENTES, *Circuit Judge*.

Appellants Joy L. Cramer and Wilmer H. Scott brought this action under 42 U.S.C. § 1983, alleging violations of their constitutional rights to equal protection and due process. On appeal, they contend that the District Court improperly dismissed their claims against the Russler and Pruey families because although not state actors, they were “involved with the Commonwealth Appellees State Troopers who on all occasions violated the Appellants’ Civil Rights.” (Appellants’ Br. 14). While we take this language to refer to an alleged civil conspiracy among the private parties and the Commonwealth defendants, *see Great Western Mining & Mineral Co. v. Fox Rothschild LLP*, 615 F.3d 159, 175-76 (3d Cir. 2010), to the extent the District Court correctly dismissed all of the § 1983 claims against the Commonwealth defendants, any § 1983 conspiracy claim involving the private actors must also fail.

Accordingly, having reviewed the District Court’s orders of October 22 and November 15, 2010, dismissing all of Appellants’ causes of action for failure to state a claim pursuant to Rule 12(b)(6), we hereby affirm substantially for the reasons stated by the District Court.