

Landers v. NH Admin. Office of Courts CV-04-11-PB 10/13/04

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Mary Ann Landers

v.

Civil No. 04-11-PB  
Opinion No. 2004 DNH 152

State of NH, Administrative  
Office of the Courts

O R D E R

Mary Ann Landers has sued the State of New Hampshire Administrative Office of the Courts for relief under Title I of the Americans with Disabilities Act. Defendant has moved to dismiss on Eleventh Amendment grounds.

I agree that the Eleventh Amendment bars plaintiff's claims to the extent that she seeks damages and/or any other form of retrospective monetary relief. See Regents of the University of Alabama v. Garrett, 531 U.S. 356 (2001). I also agree that her claim for reinstatement is not saved by Ex Parte Young, 209 U.S. 123 (1908) because she has brought her claim against a state entity rather than a state official acting in an official

capacity. The latter problem can be corrected by filing an amended complaint substituting a state official acting in an official capacity for the current institutional defendant.

Defendant's motion to dismiss is granted. Plaintiff shall have 30 days to file an amended complaint for reinstatement naming a state official as the defendant.

SO ORDERED.

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Paul Barbadoro  
Chief Judge

October 13, 2004

cc: Mary Ann Landers, pro se  
Andrew Livernois, Esq.