

87-1207 WILL v. MICHIGAN DEPARTMENT OF STATE POLICE

Ruling below (Smith v. Department of Public Health, Mich SupCt, 428 Mich 540, 410 NW2d 749).

State official, when sued in official capacity, is not "person" for purposes of lawsuit for damages brought under 42 USC 1983; similarly, state is not "person" for purposes of damages lawsuit under 1983.

Question presented: Are state or its officers, acting in their official capacities, "persons" subject to lawsuit in state court under 42 USC 1983?

Petition for certiorari filed 1/11/88, by William Burnham, of Detroit, Mich.

CERT. GRANTED: 4/18/88

Cross References: States