

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, Foley Square, in the City of New York, on the 10th day of September, two thousand four.

PRESENT: HON. DENNIS JACOBS,
HON. ROSEMARY S. POOLER,
HON. SONIA SOTOMAYOR,
Circuit Judges.

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JAMES LATTANZIO,

Plaintiff-Appellant,

-v.-

03-9197

DEPT. OF LABOR, SHAUN B. CASHMAN, GARY
K. PECHIE, Comm. CT DOL, I/O, RONALD
J. MARQUIS, Asst. Dir. Wage &
Workplace Standards Div., DOL, I/O,
RONALD J. MARQUIS, REGINA CAVAGNARO,
Wage Enforcement Agent, DOL, I/O,

Defendants-Appellees.

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APPEARING FOR APPELLANT:

On Submission (James Lattanzio, pro se, Wethersfield, CT)

APPEARING FOR APPELLEES:

On Submission (Richard Blumenthal, Attorney General, William J. McCullough and Thadd A. Gnocchi, Assistant Attorneys General, Hartford, CT, on the brief)

Appeal from the United States District Court for the District of Connecticut (Thompson, J.).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED that the judgment of the district court is **AFFIRMED**.

James Lattanzio appeals from a judgment of the United States District Court for the District of Connecticut (Thompson, J.), entered on October 7, 2003, dismissing his complaint against all defendants. It is assumed that the parties are familiar with the facts, the procedural context, and the specification of appellate issues.

We affirm the dismissal of the claims against the defendants in their individual capacities because they are entitled to qualified immunity. "[G]overnment officials performing discretionary functions . . . are shielded from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982). Lattanzio does not allege that the individual defendants violated any federal statute or right guaranteed to him by the Constitution. See R.R. Village Ass'n v. Denver Sewer Corp., 826 F.2d 1197, 1201-02 (2d Cir. 1987) ("if state law makes the pertinent official action discretionary, one's interest in a favorable decision does not rise to the level of a property right entitled to procedural due process protection"); Conn. Gen. Stat. § 31-76a(a) (2003) (authorizing, but not requiring, the Connecticut

Department of Labor to conduct hearings in nonpayment of wage investigations).

The dismissal of Lattanzio's claim against the Department of Labor and the individual defendants in their official capacities, as well as his state law claims, is affirmed for substantially the reasons stated by the district court.

For the reasons set forth above, the judgment of the district court is hereby **AFFIRMED**.

FOR THE COURT:
ROSEANN B. MACKECHNIE, CLERK
By:

Lucille Carr, Deputy Clerk