

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

CODY MOSLEY

PLAINTIFF

v.

No. 5:13-cv-236-DPM-JTK

**SHERIDAN DETENTION CENTER;
SHANE, Officer, Sheridan Detention
Center**

DEFENDANTS

ORDER

1. Mosley filed this *pro se* § 1983 action against the Sheridan Detention Center, alleging he never received a tuberculosis test and the Center lacked tuberculosis lights. *No* 2. Pursuant to the Court's Order, *No* 3, Mosley amended his complaint and added Officer Shane as a defendant. *No* 4. The Court must screen Mosley's amended allegations. 28 U.S.C. § 1915A.

2. The Sheridan Detention Center is not a person within the meaning of § 1983 and cannot be sued. *Owens v. Scott County Jail*, 328 F.3d 1026, 1027 (8th Cir. 2003). The Center is therefore dismissed with prejudice.

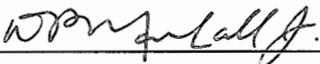
3. Mosley's claim that he was not provided a tuberculosis test or tuberculosis lighting at the Center fails to state a claim upon which relief may be granted. It is unclear whether Mosley is a pretrial detainee or a convicted prisoner. *No* 2 & 4. But the same deliberate-indifference standard applies to

both. *Owens v. Scott County Jail*, 328 F.3d 1026, 1027 (8th Cir. 2003); *Whitnack v. Douglas County*, 16 F.3d 954, 957 (8th Cir. 1994). Mosley does not allege he was deprived the minimal civilized measure of life's necessities, or exposed to a substantial risk of harm, or that Officer Shane acted with deliberate indifference to his health or safety. *Smith v. Copeland*, 87 F.3d 265, 268 (8th Cir. 1996). He does not allege that he suffers from tuberculosis symptoms or that he was exposed to tuberculosis from other inmates. He has therefore failed to state a plausible due process claim.

* * *

Mosley's complaint is dismissed for failing to state a claim upon which relief may be granted. This dismissal is a strike. 28 U.S.C. § 1915(g).

So Ordered.



D. P. Marshall Jr.
United States District Judge



15 October 2013