

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
COVINGTON

ROBERT DAMEON FLEGE,)	
)	
Plaintiff,)	Civil No. 2: 17-52-WOB
)	
V.)	
)	
GRANT COUNTY DET. CENTER,)	MEMORANDUM OPINION
)	AND ORDER
Defendant.)	

*** **

Robert Dameon Flege has filed a pro se civil rights complaint pursuant to 42 U.S.C. § 1983. In his complaint, Flege alleges that he was previously confined at the Grant County Detention Center, where he intentionally clogged the toilet in his own cell and then defecated on the floor, ironically to protest unsanitary conditions at the jail. Flege complains that as punishment, jail staff then forced him to stay in the mess he had created for a week. While he doesn't allege that he suffered any harm as a result, he seeks substantial monetary damages from the jail. [R. 2 at 3-4] The Court has granted his motion to proceed in forma pauperis by prior Order.

The Court must conduct a preliminary review of Flege's complaint because he has been granted permission to proceed in forma pauperis. 28 U.S.C. §§ 1915(e)(2). A district court must dismiss any claim that is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. *Hill v. Lappin*, 630 F. 3d 468, 470-71 (6th Cir. 2010). When testing the sufficiency of Flege's complaint, the Court affords it a forgiving construction, accepting as true all non-conclusory factual allegations and liberally construing its legal claims in the plaintiff's favor. *Davis v. Prison Health Servs.*, 679 F.3d 433, 437-38 (6th Cir. 2012).

The Court must dismiss Flege's complaint for failure to state a claim. While he has named the Grant County Detention Center as the sole defendant, a county jail or detention center is not an entity which may be sued apart from the county that operates it. *Lambert v. Hartman*, 517 F.3d 433, 439-40 (6th Cir. 2008); *Matthews v. Jones*, 35 F.3d 1046, 1049 (6th Cir. 1994); *Marbry v. Corr. Med. Serv.*, 238 F.3d 422, 2000 WL 1720959, at *2 (6th Cir. Nov. 6, 2000). Nor does the liberal construction afforded pro se complaints warrant construing the complaint as asserting a claim against Grant County itself where Flege makes no allegations against it or that the officers acted pursuant to a county policy or custom. Cf. *Thomas v. City of Chattanooga*, 398 F.3d 426, 429 (6th Cir. 2005); *Watson v. Gill*, 40 F. App'x 88, 90 (6th Cir. 2002).

Accordingly, **IT IS ORDERED** that:

1. Flege's complaint [R. 2] is **DISMISSED WITH PREJUDICE**.
2. The Court will enter an appropriate judgment.
3. This matter is **STRICKEN** from the active docket.

This 2nd day of May, 2017.



Signed By:

William O. Bertelsman *WOB*

United States District Judge