UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY NORTHERN DIVISION AT COVINGTON

ADAM COMBS,)
Plaintiff,) Civil No. 2: 21-63-WOB
V.)
COMMONWEALTH OF KENTUCKY,) MEMORANDUM OPINIO
Defendant.) AND ORDER
** ** ** **	** *** ***

Adam Combs is an inmate at the Kenton County Detention Center in Covington, Kentucky. Proceeding without counsel, Combs has filed a complaint alleging violations of his First and Eighth Amendment rights. [R. 1.] In his complaint, Combs seeks two million dollars in damages under 42 U.S.C. § 1983 for the Kenton County Detention Center's failure to provide him with kosher meals. [*Id.*] The matter is now before the Court for screening under 28 U.S.C. § 1915A. Pursuant to this statute, the Court shall dismiss the complaint, or any portion of the complaint, if it is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from the requested relief. *See* 28 U.S.C. § 1915A(b).

As a preliminary matter, the Court notes that Combs has failed to properly initiate this federal action and that the case runs afoul of both the Court's Local Rules and the Prison Litigation Reform Act. The complaint is not written on a form approved for use by the Court. *See* LR 5.3(a)(3). Further, Combs failed to either pay the \$402.00 in filing and administrative fees or to move for leave to proceed *in forma pauperis*. *See* LR 5.4(a)(2); 28 U.S.C. § 1915(a)(2).

But even regardless of these deficiencies, Combs's complaint must be dismissed under 28 U.S.C. § 1915A(b)(2). The only defendant Combs formally identifies in his complaint is the

Commonwealth of Kentucky. [See R. 1.] However, the Commonwealth is immune from suit. The Eleventh Amendment bars 42 U.S.C. § 1983 suits for money damages against a state. See, e.g., Kentucky v. Graham, 473 U.S. 159, 169 (1985); Cady v. Arenac Co., 574 F.3d 334, 342 (6th Cir. 2009). Accordingly, because Combs "seeks monetary relief from a defendant who is immune from such relief," see 28 U.S.C. § 1915A(b)(2), his complaint will be dismissed upon screening.

For these reasons, the Court hereby **ORDERS** as follows:

- 1. Combs's complaint [R. 1] is **DISMISSED**;
- 2. This matter is **CLOSED** and **STRICKEN** from the Court's active docket; and
- 3. Judgment will be entered contemporaneously herewith.

This the 17th day of May, 2021.

SANTES DISTRICT OF PURISHED OF

Signed By:

<u>William O. Bertelsman</u>

United States District Judge