

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION at PIKEVILLE

LANCE DAVID PUCKETT,

Plaintiff,

v.

BIG SANDY REGIONAL DETENTION  
CENTER,

Defendant.

Civil Action No. 7:17-169-KKC

**MEMORANDUM OPINION  
AND ORDER**

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Lance David Puckett is a resident of Salyersville, Kentucky. Proceeding without a lawyer, Puckett filed a complaint against the Big Sandy Regional Detention Center, a correctional facility operated by four counties in eastern Kentucky. [R. 1]. Puckett claims that, in November 2016, while he was incarcerated at the detention center, he “was forcibly sodomized by another inmate, [and] staff failed to prevent, intervene or provide treatment after [the] incident occurred.” [Id. at 4]. Puckett is seeking more than \$75,000 in damages. [Id.]. Puckett also filed a motion for leave to proceed in forma pauperis. [R. 3].

The Court will grant Puckett’s fee motion because he lacks sufficient assets or income to pay the filing and administrative fees in this case. That said, the Court will dismiss Puckett’s complaint because it fails to state a claim upon which relief may be granted. Puckett lists the Big Sandy Regional Detention Center as the only defendant in this action, and that facility is simply a building and not a person or legal entity which may be sued under 42 U.S.C. § 1983. See *Marbry v. Corr. Med. Servs.*, 238 F.3d 422, 2000 WL 1720959, at \*2 (6th Cir. 2000) (holding that the Shelby County Jail is not subject to suit under § 1983). Plus, even if the Court construes Puckett’s

complaint as alleging claims against one of the counties that operates the detention center, Puckett is not complaining about a county policy or custom and, therefore, he fails to state a claim for relief against a county. See *Thomas v. City of Chattanooga*, 398 F.3d 426, 429 (6th Cir. 2005) (citing *Monell v. New York City Dep't of Soc. Servs.*, 436 U.S. 658, 690 (1978)).

Accordingly, it is hereby **ORDERED** as follows:

1. Puckett's motion for leave to proceed in forma pauperis [R. 3] is **GRANTED** and payment of the filing and administrative fees is **WAIVED**.
2. Puckett's claims against the Big Sandy Regional Detention Center [R. 1] are **DISMISSED** with prejudice.
3. All other pending motions are **DENIED AS MOOT**.
4. This action is **DISMISSED** and **STRICKEN** from the Court's docket.
5. A corresponding judgment will be entered this date.

Dated November 14, 2017.



*Karen K. Caldwell*

KAREN K. CALDWELL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY