

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

NDOKEY ENOW, #1990859

Plaintiff,

v

MONTGOMERY COUNTY DOC

Defendant.

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Civil Action No. PWG-15-2597

MEMORANDUM OPINION

Ndokey Enow (“Enow”) filed this complaint and motion to proceed in forma pauperis on September 1, 2015. (ECF Nos. 1, 2.) Enow will be granted leave to proceed in forma pauperis for the purpose of preliminary review of the complaint.

Enow filed his complaint under 28 U.S.C. § 1915, which permits an indigent litigant to commence an action in federal court without prepaying the filing fee. To protect against possible abuses of this privilege, the statute requires a court to dismiss any claim that fails to state a claim on which relief may be granted.” 28 U.S.C. § 1915(e)(2)(B)(ii). This Court is mindful of its obligation to liberally construe the pleadings of *pro se* litigants such as Enow. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

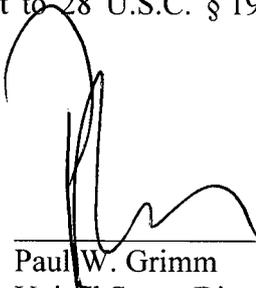
In evaluating a *pro se* complaint, a plaintiff’s allegations are assumed to be true. *Id.* at 93–94 (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555–56 (2007)). Nonetheless, liberal construction does not mean that a court can ignore a clear failure in the pleading to allege facts which set forth a claim cognizable in a federal district court. *See Weller v. Dep’t of Soc. Servs.*, 901 F.2d 387 (4th Cir. 1990); *see also Beaudett v. City of Hampton*, 775 F.2d 1274, 1278 (4th Cir. 1985) (stating a district court may not “conjure up questions never squarely presented”).

To sustain an action under 42 U.S.C. § 1983, a plaintiff must demonstrate that: (1) he suffered a deprivation of rights secured by the Constitution of the United States; and (2) the act or omission causing the deprivation was committed by a person acting under color of law. *West v. Atkins*, 487 U.S. 42 (1988). Because the Montgomery County Department of Corrections is not a “person” subject to suit or liability under § 1983, Enow’s claims against it shall be dismissed.¹

Accordingly, this case will be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) by separate order to follow.

100615

Date



Paul W. Grimm
United States District Judge

¹ The Court will direct the Clerk to send Enow a forms and information packet for filing a complaint under 42 U.S.C. § 1983 in the event Enow intends to bring claims against persons acting under color of state law who allegedly violated his constitutional rights and federal law. In filing this type of action, Enow must provide the name of those involved and provide information as to the dates of the alleged violations. The Court expresses no opinion in regard to the merit of Enow’s claims.