

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

HENRY HINTON, JR., # 200283

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:15cv77-DCB-MTP

**PIKE COUNTY DETENTION CENTER,
PIKE COUNTY SHERIFF'S
DEPARTMENT, and PIKE COUNTY**

DEFENDANTS

**ORDER DISMISSING PIKE COUNTY
DETENTION CENTER AND SHERIFF'S DEPARTMENT**

This *pro se* prisoner case is before the Court, *sua sponte*, for consideration of partial dismissal. Plaintiff Henry Hinton, Jr., is incarcerated with the Mississippi Department of Corrections, and he challenges the conditions of his prior confinement at the Pike County Detention Center. The Court has considered and liberally construed the pleadings.

Plaintiff filed his Complaint on August 19, 2015. Among others, he sues the Pike County Detention Center and the Pike County Sheriff's Department. Mississippi law determines whether he can sue the jail and Sheriff's Department. Fed. R. Civ. P. 17(b)(3). Under Mississippi law, neither county jail nor a Sheriff's Department is a separate legal entity which may be sued, rather they are extensions of the county. *Tuesno v. Jackson*, No. 5:08cv302-DCB-JMR, 2009 U.S. Dist. LEXIS 61416 at *2-3 (S.D. Miss. Apr. 30, 2009); *Brown v. Thompson*, 927 So. 2d 733, 737 (¶12) (Miss. 2006). Therefore, the jail and Sheriff's Department are dismissed. The remainder of this case shall proceed.

IT IS THEREFORE ORDERED AND ADJUDGED that, for the reasons stated above, Defendants Pike County Detention Center and Pike County Sheriff's Department should be, and are hereby, **DISMISSED**. The remainder of the case shall proceed.

SO ORDERED AND ADJUDGED, this the 12th day of February, 2016.

s/David Bramlette
UNITED STATES DISTRICT JUDGE