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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CHRISTOPHER J. WILLING,

Plaintiff,

v.

ARMS, *et al.*,

Defendants.

Case No.: 2:14-cv-01122-APG-PAL

ORDER GRANTING MOTION TO DISMISS

(Dkt. #33)

Pro se plaintiff Christopher Willing filed a “Section 1983” suit against defendants Nye County Detention Center (NCDC), Deputy Arms, Sergeant Martinez, Lieutenant Medina, and Health Care Partners for violating his Fourteenth Amendment rights while in pretrial detention.¹ Willing alleges he broke his collarbone while in custody and that the defendants interfered with, delayed, and denied the necessary treatment of his injury.² Willing also alleges defendants’ actions and inactions caused him further pain and suffering.³ Defendant NCDC moves to dismiss Willing’s claims against it because it is not an entity capable of being sued.⁴ Because NCDC is a department of Nye County and cannot be sued, I grant its motion.

In assessing a motion to dismiss, I must accept as true all well-pleaded factual allegations in the complaint; however, legal conclusions are not entitled to the assumption of truth.⁵ A complaint need not contain detailed factual allegations; however, those allegations must be “more than labels and conclusions” and must “rise above the speculative level.”⁶ Thus, to survive a

¹ (Dkt. #6.)

² (*Id.* at 3.)

³ (*Id.* at 3-5.)

⁴ (Dkt. #33.)

⁵ *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009).

⁶ *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007).

1 motion to dismiss, a complaint must contain sufficient factual matter to “state a claim for relief
2 that is plausible on its face.”⁷ Allegations in a pro se complaint are “held to less stringent
3 standards than formal pleadings drafted by lawyers.”⁸

4 The issue here is whether NCDC is a properly-named defendant. In Nevada, each county
5 is a political subdivision of the state and an independent legal entity, which means each county
6 can sue or be sued.⁹ But the same is not true of a county detention center. Rather, a county
7 detention center is a department of the county and not an independent legal entity.¹⁰ Therefore, it
8 cannot be sued under its own name.¹¹ Accordingly, I grant NCDC’s motion because NCDC is
9 not a suable entity, and thus Willing cannot state a cognizable legal claim against it.

10 IT IS THEREFORE ORDERED that Nye County Detention Center’s Motion to Dismiss
11 **(Doc. 33) is GRANTED.** All of plaintiff’s claims against Nye County Detention Center are
12 dismissed with prejudice.

13 DATED this 4th day of August, 2015.

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17 ANDREW P. GORDON
18 UNITED STATES DISTRICT JUDGE
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23 ⁷ *Id.* at 570.

24 ⁸ *Hughes v. Rowe*, 449 U.S. 5, 9 (1980) (quotation omitted).

25 ⁹ *Clark Cnty. v. Lewis*, 498 P.2d 363, 365 (Nev. 1972); Nev. Rev. Stat. § 41.031(2).

26 ¹⁰ Nev. Rev. Stat. § 41.0305.

27 ¹¹ *Wayment v. Holmes*, 912 P.2d 816, 819-20 (Nev. 1996); *Wright v. City of Las Vegas*,
28 *Nev.*, 395 F. Supp. 2d 789, 794 (S.D. Iowa 2005) (“In Nevada, political subdivisions may be
sued; departments of political subdivisions may not.” (citing Nev. Rev. Stat. § 41.031(1)-(2)
(2004))).