

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

SCOTT PUFAHL
Plaintiff,

v.

**MAURY COUNTY SHERIFF'S
DEPARTMENT**
Defendant.

]
]
]
]
]
]
]
]
]

No. 1:14-0043
CHIEF JUDGE HAYNES

M E M O R A N D U M

Plaintiff, Scott Pufahl, an inmate at the Maury County Jail in Columbia, Tennessee, filed this action under 42 U.S.C. § 1983 against the Maury County Sheriff's Department. Plaintiff seeks damages arising from the failure to provide his prescribed medication.

According to his complaint, on February 3, 2014, Plaintiff did not receive his evening dosage of medication. As a consequence, Plaintiff alleges that he suffered an anxiety attack and during the attack, Plaintiff injured his head. Plaintiff had to be transported to a local hospital.

To state a claim for § 1983 relief, the Plaintiff must allege plausible facts that a person or persons, acting under color of state law, deprived him of some right guaranteed by the Constitution or laws of the United States. Parratt v. Taylor, 451 U.S. 527, 535 (1981).

A county sheriff's department is not a "person" that can be sued under 42 U.S.C. § 1983. Petty v. County of Franklin, Ohio, 478 F.3d 341, 347 (6th Cir. 2007). Assuming Plaintiff intended to sue Maury County, a liberal construction of his complaint, for Maury County to be liable, Plaintiff must allege facts that suggest a "policy statement, ordinance, regulation or decision officially adopted and promulgated" by the county that caused his injury. Monell v. Department of Social

Services, 436 U.S. 658, 689-690 (1978). Plaintiff fails to allege such facts. Therefore, the Plaintiff has failed to state a claim upon which relief can be granted, but without prejudice to any claim against an individual officer. Under such circumstances, the Court is obliged to dismiss the complaint *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate Order is filed herewith.

ENTERED this the _____ day of March, 2014.

WILLIAM J. HAYNES, JR.
Chief Judge
United States District Court