

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

DERRICK JUSTIN CHOATE]	
Plaintiff,]	
]	
v.]	No. 2:16-0057
]	Judge Trauger
PUTNAM COUNTY SHERIFF’S]	
DEPARTMENT]	
Defendant.]	

MEMORANDUM

The plaintiff, proceeding *pro se*, is a pre-trial detainee at the Putnam County Jail in Cookeville, Tennessee. He brings this action pursuant to 42 U.S.C. § 1983 against the Putnam County Sheriff’s Department, seeking injunctive relief and damages.

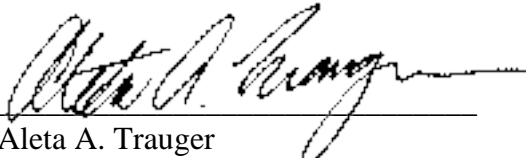
On June 24, 2016, the plaintiff made disparaging remarks about a guard’s mother. In response, the guard allegedly assaulted the plaintiff while he was restrained in handcuffs.

To establish a claim for § 1983 relief, the plaintiff must plead and prove that a person or persons, while 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” subject to liability under § 1983. Petty v. County of Franklin, Ohio, 478 F.3d 341, 347 (6th Cir. 2007). Of course, giving this *pro se* pleading a liberal construction, the Court could construe the complaint as an attempt to state a claim against Putnam County, the entity responsible for the operation of the Putnam County Sheriff’s Department.

However, for Putnam County to be liable, the plaintiff would have to allege and prove that his constitutional rights were violated pursuant to a “policy statement, ordinance, regulation or decision officially adopted and promulgated” by the county. Monell v. Department of Social Services, 436 U.S. 658, 689-690 (1978). No such allegation appears in the complaint. Therefore, the plaintiff has failed to state a claim upon which relief can be granted. Under such circumstances, the Court is obliged to dismiss the complaint *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.



Aleta A. Trauger
United States District Judge