

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

|                                    |  |                      |
|------------------------------------|--|----------------------|
| <b>GEORGE MAURICE ALLEN</b>        |  |                      |
| <b>Plaintiff,</b>                  |  |                      |
|                                    |  |                      |
| <b>v.</b>                          |  | <b>No. 3:16-0202</b> |
|                                    |  | <b>Judge Trauger</b> |
| <b>RUTHERFORD COUNTY SHERIFF’S</b> |  |                      |
| <b>OFFICE, et al.</b>              |  |                      |
| <b>Defendants.</b>                 |  |                      |

**MEMORANDUM**

The plaintiff, proceeding *pro se*, is an inmate at the Rutherford County Adult Detention Center in Murfreesboro, Tennessee. He brings this action pursuant to 42 U.S.C. § 1983 against the Rutherford County Sheriff’s Office and the Rutherford County Adult Detention Center, seeking injunctive relief and damages.

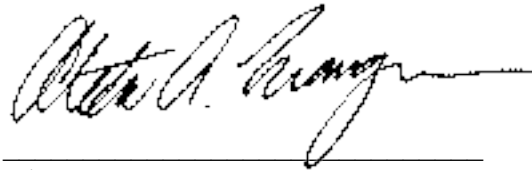
The plaintiff complains that his mail is continually being given to another inmate by mistake. To establish a claim for § 1983 relief, the plaintiff must plead and prove that a person or persons, while acting under color of state law, deprived him of some right guaranteed by the Constitution or laws of the United States. Parratt v. Taylor, 451 U.S. 527, 535 (1981).

A county jail or workhouse is not a person that can be sued under 42 U.S.C. § 1983. Rhodes v. McDannel, 945 F.2d 117, 120 (6<sup>th</sup> Cir. 1991). Nor is a county sheriff’s department subject to suit under § 1983. Petty v. County of Franklin, Ohio, 478 F.3d 341, 347 (6<sup>th</sup> 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 Rutherford County, the entity responsible for the operation of the Adult Detention Center. However, for Rutherford County to be liable, the plaintiff would have to allege and prove that his constitutional rights were being 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.

A handwritten signature in black ink, appearing to read "Aleta A. Trauger", written over a horizontal line.

Aleta A. Trauger  
United States District Judge