

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

<b>STEVE L. SMITH</b>	]	
<b>Plaintiff,</b>	]	
	]	
<b>v.</b>	]	<b>No. 3:16-1277</b>
	]	<b>Judge Campbell</b>
<b>RUTHERFORD COUNTY ADULT DETENTION CENTER, 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 Adult Detention Center and Chad Willingham, an inmate trustee in the plaintiff's housing unit, seeking injunctive relief and damages.

As a trustee, Willingham is charged with the task of passing out food trays in the plaintiff's housing unit. The plaintiff alleges that Willingham has tampered with his food tray on several occasions, often taking food off the trays and leaving him hungry.

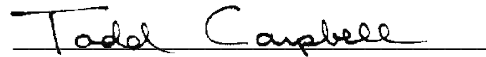
To establish a claim for § 1983 relief, the plaintiff must plead and prove that a person or persons, while acting under color of state law, deprived him of some right guaranteed by the Constitution or laws of the United States. Parratt v. Taylor, 451 U.S. 527, 535 (1981).

A county jail such as the Rutherford County Adult Detention Center is not a person that can be sued under 42 U.S.C. § 1983. Grimmett v. Wilson County Jail, 2015 WL 787228 (M.D. Tenn.);

Staggs v. Lewis County Jail, 2009 WL 3877682 (M.D. Tenn.); *see also* Petty v. County of Franklin, Ohio, 478 F.3d 341, 347 (6<sup>th</sup> Cir. 2007)(a county sheriff’s department is also not a “person” subject to liability under § 1983). Nor does an inmate trustee act under color of state law when he distributes food trays to other inmates.

Accordingly, the plaintiff has failed to state an actionable claim under § 1983 against these defendants. 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.

  
Todd Campbell  
United States District Judge