

United States District Court
Southern District of Texas

ENTERED

November 21, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JONATHAN HACKLE,

Plaintiff,

v.

DETENTION OFFICER PRINCE, *et al.*,

Defendants.

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CIVIL ACTION NO. H-18-470

ORDER OF PARTIAL DISMISSAL

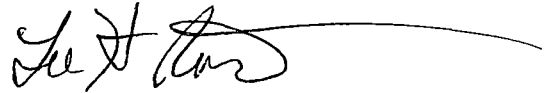
Jonathan Hackle is an inmate in the Harris County Jail. He sued under 42 U.S.C. § 1983, alleging civil rights violations by two jail detention officers who pulled him off a top bunk and slammed him into a table, causing him physical and psychological injury. Hackle also sues the Harris County Jail.

Section 1915A of Title 28 of the United States Code requires a federal district court to “review . . . a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.” If the complaint presents no valid claims, the court must dismiss the complaint. For the following reasons, Hackle’s claims against the Harris County Jail must be dismissed.

Whether an entity can legally be sued is “determined by the law of the state in which the district court is held.” Fed.R.Civ.P. 17(b). A county or city department must have a separate legal existence to be sued. *See Darby v. Pasadena Police Dept.*, 939 F.2d 311, 313 (5th Cir.1991). Under Texas law, sheriffs’ departments cannot be sued. *See Propes v. Plano Police Dept.*, 2005 WL 1177880 (E.D.Tex. May 18, 2005). A county jail is a division of the county sheriff’s department. The jail is not an entity that is capable of being sued.

Hackle's claims against the Harris County Jail are dismissed with prejudice under 28 U.S.C. § 1915A. The court will conduct further proceedings on Hackle's remaining claims.

SIGNED on November 21, 2019, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Lee H. Rosenthal", with a long horizontal flourish extending to the right.

Lee H. Rosenthal
Chief United States District Judge