

United States District Court
Southern District of Texas

ENTERED

June 28, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SHANNON ENO EKANEM,

Plaintiff,

VS.

HARRIS COUNTY SHERIFFS JAIL, *et al*,

Defendants.

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CIVIL ACTION NO. 4:18-CV-788

ORDER OF DISMISSAL

Shannon Eno Ekanem is an inmate in the Harris County Jail. He filed a complaint under 42 U.S.C. § 1983 alleging violations of his rights by Jail Detention Officer Holly, and by the Harris County Sheriff’s Department. This Court previously dismissed Ekanem’s claims against Holly as barred by the Eleventh Amendment.

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 cognizable claims, the court must dismiss the complaint. Ekanem’s allegations against the Harris County Sheriff’s Department fail to state a claim.

A municipality can be found liable under § 1983 only where the municipality itself causes the constitutional violation at issue. Respondeat superior or vicarious liability will not attach under § 1983. *Monell v. New York City Dept. of Social Services*, 436 U.S. 658, 694-95 (1978). Ekanem asserts that the Sheriff’s Department, an agency of Harris County, Texas, is liable solely because the alleged assault was committed by one of its officers. *See* Plaintiff’s More Definite Statement (Doc. # 11), at 2. He does not allege that any departmental policy, custom, or practice led to the alleged assault. This is merely a claim of vicarious liability, and is

not cognizable under § 1983. Accordingly, it is ORDERED that Ekanem's claims against the Harris County Sheriff's Department are DISMISSED pursuant to 28 U.S.C. § 1915A.

It is so ORDERED.

SIGNED on this 28th day of June, 2018.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt
United States District Judge