

United States District Court
Southern District of Texas

ENTERED

June 06, 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

MEMORANDUM AND ORDER

Shannon Eno Ekanem was, at all times relevant to this action, an inmate in the Harris County Jail. He filed a complaint under 42 U.S.C. § 1983 alleging the use of excessive force by a Harris County Detention Officer. The defendants are Detention Officer Holly and the Harris County Jail. Ekanem sues each defendant in his or its official capacity.

When a plaintiff proceeds *in forma pauperis*, 28 U.S.C. § 1915(e) requires a federal district court to dismiss a case if the action fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. Ekanem’s complaint must be dismissed under section 1915(e).

Ekanem’s claim against the Harris County Jail is not cognizable. A jail is not a juridical entity and cannot be sued. *See, e.g., Jones v. St. Tammany Parish Jail*, 4 F.Supp.2d 606, 613 (E.D. La. 1998).

Ekanem seeks money damages from defendant Holly. The Eleventh Amendment bars suits for money damages by individuals against state officials in their official capacities. *See Will v. Michigan Dep’t of State Police*, 491 U.S. 58, 66 (1989); *Pennhurst State Schl. & Hosp. v. Halderman*, 465 U.S. 89, 98-99 (1984). Because the Eleventh Amendment bars Ekanem’s claim for money damages against Holly in his official capacity, this claim must be dismissed.

Accordingly, it is ORDERED that the complaint is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915A. Ekanem may file an amended complaint and move to re-open the case within 30 days of the date of this Order.

It is so ORDERED.

SIGNED on this 5th 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