

CLERK'S OFFICE U.S. DIST COURT  
AT ROANOKE, VA  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JAN 04 2010

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JOHNATHAN LEE X SMITH,	)	
Plaintiff,	)	Civil Action No. 7:09-cv-00097
	)	
v.	)	MEMORANDUM OPINION
	)	
JEFFREY DILLMAN, <u>et al.</u> ,	)	By: Samuel G. Wilson
Defendants.	)	United States District Judge

Plaintiff, Johnathan Lee X Smith, brings this action pursuant to 42 U.S.C. § 1983, alleging that the defendants failed to provide him with adequate medical care. Among the defendants to this action, plaintiff names Green Rock Correctional Center ("GRCC"). The court finds that GRCC is an improper defendant in an action brought pursuant to § 1983 and, therefore, dismisses plaintiff's claims against GRCC.

I.

To state a cause of action under § 1983, a plaintiff must allege facts indicating that plaintiff has been deprived of rights guaranteed by the Constitution or laws of the United States and that this deprivation resulted from conduct committed by a person acting under color of state law. West v. Atkins, 487 U.S. 42 (1988). As GRCC is not a "person" subject to suit under § 1983, plaintiff cannot maintain his action against the defendant jail. See McCoy v. Chesapeake Correctional Center, 788 F. Supp. 890 (E.D. Va. 1992).

II.

For the stated reasons, the court dismisses plaintiff's claims against GRCC and terminates GRCC as a defendant to this action.

The Clerk of the Court is directed to send copies of this Memorandum Opinion and the accompanying Order to the parties.

ENTER: This 4th of January, 2010.

*[Signature]*  
United States District Judge