

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

FEB 12 2010

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EARNEST J. WALLACE,)	Civil Action No. 7:10-cv-00013
Plaintiff,)	
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
BLUE RIDGE REGIONAL)	
JAIL AUTHORITY, <u>et al.</u>,)	By: Samuel G. Wilson
Defendants.)	United States District Judge

Plaintiff, Earnest J. Wallace, brings this action pursuant to 42 U.S.C. § 1983. In his complaint, as amended, Wallace names Blue Ridge Regional Jail Authority (“BRRJA”), A. Penick, Oliver, and Lawery as defendants in his action. The court finds that BRRJA is an improper defendant in an action brought pursuant to § 1983 and, therefore, dismisses Wallace’s claims against it. Accordingly, only Wallace’s claims against defendants A. Penick, Oliver, and Lawery remain.

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 the BRRJA is not a “person” subject to suit under 42 U.S.C. § 1983, Wallace cannot maintain his action against the defendant jail authority. See McCoy v. Chesapeake Correctional Center, 788 F. Supp. 890 (E.D. Va. 1992).

II.

For the stated reasons, the court dismisses Wallace’s claims against the BRRJA.

The Clerk of the Court is directed to send a certified copy of this Memorandum Opinion and the accompanying Order to plaintiff and counsel of record for the defendants, if known.

ENTER: This 12th of February, 2010.

[Signature]

United States District Judge