

SEP 13 2011

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

CRAYTON EDWARD MCELVEEN,
Plaintiff,

v.

HOWARD CLARK, et al.,
Defendants.

Civil Action No. 7:11cv00431


MEMORANDUM OPINION

By: Samuel G. Wilson
United States District Judge

Crayton Edward McElveen, a Virginia inmate proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983. McElveen also requests to proceed in forma pauperis and the court grants that request. However, the court finds that McElveen has not stated a claim upon which relief may be granted and, therefore, dismisses this action without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

To state a claim for relief under §1983, a plaintiff must allege facts indicating that he 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). McElveen's complaint is wholly incomprehensible and, at best, his allegations are far too vague and conclusory to state a cognizable constitutional claim against anyone. Accordingly, the court finds that McElveen has failed to state a constitutional claim upon which relief may be granted and, therefore, the court dismisses his complaint without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

ENTER: This 13th day of September, 2011.


United States District Court