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

| | | |
|---|---|---|
| **KENNETH JAMES WEST,** | ) | |
| **Plaintiff,** | ) | **Civil Action No. 7:12-cv-00439** |
| | ) | |
| **v.** | ) | **MEMORANDUM OPINION** |
| | ) | |
| **NEW RIVER VALLEY REGIONAL JAIL,** | ) | **By: Samuel G. Wilson** |
| **Defendant.** | ) | **United States District Judge** |

Plaintiff Kenneth James West, a Virginia inmate proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against the New River Valley Regional Jail, alleging that his religious rights were denied. The court finds that the New River Valley Regional Jail is not a proper defendant to a § 1983 action. Accordingly, the court dismisses West's complaint without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

West has named only the New River Valley Regional Jail as defendant to his action. To state a cause of action 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). As the New River Regional Jail is not a "person" subject to suit under § 1983, West cannot maintain his action against the defendant jail. See McCoy v. Chesapeake Correctional Center, 788 F. Supp. 890 (E.D. Va. 1992). Therefore, the court dismisses this action without prejudice.

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

**ENTER**: This 28th day of September, 2012.

United States District Court

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