Pennington v. NRADC Doc. 10

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

ERIC KEITH PENNINGTON,	)	**Civil Action No. 7:12-cv-00447**
Plaintiff,	)	
	)	
v.	)	**MEMORANDUM OPINION**
	)	
NORTHWESTERN REGIONAL	)	
ADULT DETENTION CENTER,	)	**By: Norman K. Moon**
Defendant.	)	**United States District Judge**

Plaintiff Eric Keith Pennington, a Virginia inmate proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against the Northwestern Regional Adult Detention Center, alleging that he was denied due process concerning a disciplinary conviction. I find that the Northwestern Regional Adult Detention Center is not a proper defendant to a § 1983 action. Accordingly, I will dismiss Pennington's complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

Pennington names only the Northwestern Regional Adult Detention Center as defendant to this 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 Northwestern Regional Adult Detention Center is not a "person" subject to suit under § 1983, Pennington cannot maintain his action against the defendant jail. *See McCoy v. Chesapeake Correctional Center*, 788 F. Supp. 890 (E.D. Va. 1992). Therefore, I will dismiss this action.

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

ENTER: This 29th day of October, 2012.

Norman K. Moon
NORMAN K. MOON
UNITED STATES DISTRICT JUDGE

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