

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

JOSHUA STACY,)	
Plaintiff,)	Civil Action No. 7:12cv00501
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
SOUTHWEST VA ABINGDON VA MEADOWVIEW VA JAIL,¹)	
Defendant.)	By: Norman K. Moon United States District Judge

Plaintiff Joshua Stacy, a Virginia inmate proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against the “Southwest VA Abingdon VA Meadowview VA Jail,”² alleging that he was denied adequate medical treatment. I find that the “Southwest VA Abingdon VA Meadowview VA Jail” is not a proper defendant to a § 1983 action. Accordingly, I will dismiss Stacy’s complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

Stacy names only the “Southwest VA Abingdon VA Meadowview VA Jail” 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 “Southwest VA Abingdon VA Meadowview VA Jail” is not a “person” subject to suit under § 1983, Stacy 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.

¹ On the docket, this case is captioned as against SWVRJA-Abingdon; however, that is not who Stacy names as a defendant to this action. Accordingly, the clerk is **DIRECTED** to correct the docket to reflect “Southwest VA Abingdon VA Meadowview VA Jail” as the defendant to this action.

² Presumably Stacy is referring to the Southwest Virginia Regional Jail Abingdon Facility which is physically located in Abingdon, Virginia but has a mailing address in Meadowview, Virginia. However, regardless of which jail Stacy is actually referring to, the outcome of this case remains the same for any jail named as a defendant.

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

ENTER: This 13th day of November, 2012.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE