

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

JOSHUA STACY,)	
Plaintiff,)	Civil Action No. 7:13cv00194
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
SOUTHWEST VA ABINGDON VA)	
MEADOWVIEW VA JAIL,)	By: Norman K. Moon
Defendant.)	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,”¹ alleging that he contracted hepatitis C from using the same razors and sinks as other inmates. However, 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 without prejudice pursuant to 28 U.S.C. § 1915A(b)(1).

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 a 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.

ENTER: This 24th day of April, 2013.



 NORMAN K. MOON
 UNITED STATES DISTRICT JUDGE

¹ Stacy is incarcerated at the Southwest Virginia Regional Jail-Abingdon Facility, located in Meadowview, Virginia and, therefore, I presume that this is the jail he is naming as defendant to this action; however, the outcome of this action would be the same for any jail which Stacy intends to name as defendant.