

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

JOHN FORTNER,
Plaintiff,

v.

DANVILLE CITY JAIL,
Defendant.

)
)
)
)
)
)
)

Civil Action No. 7:13-cv-00416

MEMORANDUM OPINION

By: Hon. Michael F. Urbanski
United States District Judge

John Fortner, a Virginia inmate proceeding pro se, filed a civil rights action pursuant to 42 U.S.C. § 1983 with jurisdiction vested in 28 U.S.C. § 1343. Plaintiff names the Danville City Jail (“Jail”) as the sole defendant and complains about paying \$1.00 per day toward the costs of his incarceration. This matter is before the court for screening, pursuant to 28 U.S.C. § 1915A. After reviewing Plaintiff’s submissions, the court dismisses the Complaint without prejudice for failing to state a claim upon which relief may be granted.

The court must dismiss any action or claim filed by an inmate if the court determines that the action or claim is frivolous or fails to state a claim on which relief may be granted. See 28 U.S.C. §§ 1915(e)(2), 1915A(b)(1); 42 U.S.C. § 1997e(c). To state a claim under § 1983, a plaintiff must allege “the violation of a right secured by the Constitution and laws of the United States, and must show that the alleged deprivation was committed by a person acting under color of state law.” West v. Atkins, 487 U.S. 42, 48 (1988). However, Plaintiff fails to name a person subject to liability via §1983 because he names only the Jail as a defendant. See Preval v. Reno, 57 F. Supp. 2d 307, 310 (E.D. Va. 1999) (“[T]he Piedmont Regional Jail is not a “person,” and therefore not amenable to suit under 42 U.S.C. § 1983.”), aff’d in part and rev’d in part, 203 F.3d 821 (4th Cir. 2000), reported in full-text format at 2000 U.S. App. LEXIS 465, at *3, 2000 WL 20591, at *1 (“The court also properly determined that the Piedmont Regional Jail is not a

‘person’ and is therefore not amenable to suit under § 1983[.]”). Accordingly, Plaintiff presently fails to state a claim upon which relief may be granted, and the court dismisses the Complaint without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1).

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to Plaintiff.

Entered: September 16, 2013

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge