

FILED
for Roanoke
NOV 10 2014

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DUMISANI JERICHO TEMBO,)
Plaintiff,)
v.)
NEW RIVER VALLEY REGIONAL)
JAIL,)
Defendant.)

Civil Action No. 7:14-cv-00575

MEMORANDUM OPINION

By: Hon. Jackson L. Kiser
Senior United States District Judge

Dumisani Jericho Tembo, a Virginia inmate proceeding pro se, filed a Complaint, pursuant to 42 U.S.C. § 1983, naming the New River Valley Regional Jail (“Jail”) as the defendant. This matter is before me for screening, pursuant to 28 U.S.C. § 1915A.

The court must dismiss the Complaint because the Jail is not amenable to suit via § 1983. See West v. Atkins, 487 U.S. 42, 48 (1988) (recognizing a § 1983 claim must allege the violation of a federal right by a person acting under color of state law); 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, I dismiss the Complaint without prejudice for failing to state a claim upon which relief may be granted.

ENTER: This 10th day of November, 2014.

[Signature]
Senior United States District Judge