

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

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED for RW

JAN 29 2015

JULIA C. DUDLEY, CLERK
BY: *H. Madanes*
DEPUTY CLERK

LUTHER M. JONES,
Plaintiff,

v.

MARION CORR. TREATMENT
CENTER, et al.,
Defendants.

Civil Action No. 7:14-cv-00660

MEMORANDUM OPINION

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

Plaintiff Luther M. Jones, a Virginia inmate proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. Plaintiff names as defendants the Marion Correctional Treatment Center (“Marion”)¹, Marion Warden Larry W. Jarvis, and fellow inmate Victor Scott. Plaintiff alleges that someone is poisoning him with a mind-numbing substance called “Ebola Interrogation Root” because, inter alia, various relatives were responsible for unidentified legal settlements.

Plaintiff fails to allege any act or omission by Warden Jarvis or Inmate Scott. Supervisory liability against Warden Jarvis under § 1983 may not be predicated on respondeat superior, Plaintiff fails to establish that Inmate Scott was cloaked with the power of the state, and Marion is not a person for purpose of § 1983. See, e.g., Will v. Michigan Dep’t of State Police, 491 U.S. 58, 70 (1989); Tower v. Glover, 467 U.S. 914, 920 (1984); Monell v. Dep’t of Soc. Servs., 436 U.S. 658, 663 n.7 (1978). Accordingly, the complaint is dismissed without prejudice as frivolous, pursuant to 28 U.S.C. § 1915A(b)(1), for pursuing indisputably meritless legal theories.

ENTER: This 29th day of January, 2015.

Jackson L. Kiser
Senior United States District Judge

¹ Marion is the mental health treatment prison within the Virginia Department of Corrections.