Harber v. Southwest Virginia Regional Jail- Duffield Doc. 5

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

BILLY HARBER,	)	
Plaintiff,	)	**Civil Action No. 7:14cv00675**
	)	
v.	)	**MEMORANDUM OPINION**
	)	
SOUTHWEST VIRGINIA	)	
REGIONAL JAIL DUFFIELD,	)	**By: Norman K. Moon**
Defendant.	)	**United States District Judge**

Plaintiff Billy Harber, a Virginia inmate proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983, naming only the "Southwest Virginia Regional Jail Duffield" as a defendant. 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, Harber 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 without prejudice pursuant to 28 U.S.C. § 1915A(b)(1).

ENTER: This 11th day of December, 2014.

NORMAN K. MOON
UNITED STATES DISTRICT JUDGE

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