

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

FREDERICK T. HOSKINS,)
)
Plaintiff,)
)
v.)
)
COMMONWEALTH OF VIRGINIA,)
DEPARTMENT OF CORRECTIONS,)
)
Defendants.)

Case No. 7:15CV00206

OPINION

By: James P. Jones
United States District Judge

Frederick T. Hoskins, Pro Se Plaintiff.

Plaintiff Frederick T. Hoskins, a Virginia inmate proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983, alleging that unnamed prison officials violated his First Amendment rights when they disciplined him for writing a letter to President Barack Obama. After review of the record, I find that this complaint must be summarily dismissed.

Hoskins admits writing a letter expressing his frustration to President Obama over various actions his administration has taken. Virginia Department of Corrections (“VDOC”) officials brought a disciplinary charge against Hoskins for intimidating a public official. Hoskins waived his right to a hearing and accepted a penalty offer of twenty days in disciplinary segregation, which he completed on February 21, 2015. Thereafter, officials placed Hoskins in a higher security level

and transferred him to Red Onion State Prison. Hoskins then brought this § 1983 action against the Commonwealth of Virginia and the VDOC, seeking monetary damages, vacation of the charge, and reclassification.

The court is required to dismiss any action or claim filed by a prisoner against a governmental entity or officer if the court determines the action or claim is frivolous, malicious, or fails to state a claim on which relief may be granted. 28 U.S.C. § 1915A(b)(1). Section 1983 permits an aggrieved party to file a civil action against a person for actions taken under color of state law that violated his constitutional rights. *See Cooper v. Sheehan*, 735 F.3d 153, 158 (4th Cir. 2013).

The only defendants that Hoskins names as defendants are the Commonwealth and the VDOC. Neither of these entities is a “person” subject to suit under § 1983. *Will v. Mich. Dep’t of State Police*, 491 U.S. 58, 71 (1989) (finding that state and its agencies are not persons under § 1983) Therefore, Hoskins’ complaint must be summarily dismissed under § 1915A(b)(1) as legally frivolous.

A separate Final Order will be entered herewith.

DATED: June 10, 2015

/s/ James P. Jones
United States District Judge