

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

JUL 28 2015

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISIONJULIA S. DUDLEY, CLERK  
BY:  DEPUTY CLERKDOSHA Y ANTWAN SMITH,  
Plaintiff,

Civil Action No. 7:15-cv-00336

v.

MEMORANDUM OPINIONCONMED HEALTHCARE  
MANAGEMENT,  
Defendant.By: Hon. Michael F. Urbanski  
United States District Judge

Doshay Antwan Smith, a Virginia inmate proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. Plaintiff names Conmed Healthcare Management as the sole defendant. However, Plaintiff does not describe any "personal" act or omission by the defendant. See, e.g., Powell v. Shopco Laurel Co., 678 F.2d 504, 506 (4th Cir. 1982). Section 1983 requires a showing of fault on the part of a defendant either based on the defendant's conduct or another's conduct in execution of the defendant's policies or customs. Fisher v. Washington Metro. Area Transit Author., 690 F.2d 1133, 1142-43 (4th Cir. 1982), abrogated on other grounds by Cnty. of Riverside v. McLaughlin, 500 U.S. 44 (1991). Accordingly, the court dismisses the complaint without prejudice, pursuant to 42 U.S.C. § 1997e(c)(1), for failing to state a claim upon which relief may be granted.

ENTER: This 28<sup>th</sup> day of July, 2015.

  
United States District Judge