

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


|                         |   |                              |
|-------------------------|---|------------------------------|
| BRANDON SMITH,          | ) |                              |
| Plaintiff,              | ) | Civil Action No. 7:16cv00302 |
|                         | ) |                              |
| v.                      | ) |                              |
|                         | ) |                              |
| CORRECT CARE SOLUTIONS, | ) | By: Elizabeth K. Dillon      |
| Defendant.              | ) | United States District Judge |

**MEMORANDUM OPINION**

Brandon Smith, an inmate proceeding *pro se*, filed a civil rights action pursuant to 42 U.S.C. § 1983 against “Correct Care Solutions.” Having reviewed the complaint, the court concludes that it must be dismissed without prejudice for failure to state a claim pursuant to 42 U.S.C. § 1997e(c)(1).

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). Smith makes no allegation against the named defendant and “[s]ection 1983 will not support a claim based on a *respondeat superior* theory of liability.” *Polk Cnty. v. Dodson*, 454 U.S. 312, 325 (1981) (citing *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658, 694 (1978)). By order entered July 11, 2016, the court advised Smith that the complaint failed to state a claim and gave him the opportunity to amend it. Smith did not respond. Accordingly, the court finds that the complaint fails to state a claim upon which relief may be granted and, therefore, dismisses the complaint without prejudice.

Entered: August 1, 2016.

  
 Elizabeth K. Dillon  
 United States District Judge