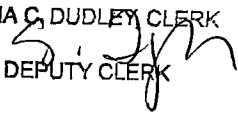


NOV 21 2016

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

JULIA C. DUDLEY CLERK
BY:  DEPUTY CLERK

TONY C. ASHBY,)	Civil Action No. 7:16-cv-00401
Plaintiff,)	
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
ROANOKE CITY JAIL,)	By: Hon. Michael F. Urbanski
Defendant.)	United States District Judge

Tony C. Ashby, a Virginia inmate proceeding pro se, filed an initial submission that the court liberally construed as a civil rights complaint pursuant to 42 U.S.C. § 1983. Because the construed pleading did not name a defendant, the court conditionally filed the action, advised Plaintiff that he failed to state a claim upon which relief may be granted, and granted him the opportunity to file an amended complaint. In the caption of his response to that order, Plaintiff named the Roanoke City Jail (“Jail”) as the sole defendant.

The court must dismiss the amended complaint because Plaintiff fails to name a “person” acting under color of state law as a defendant. See, e.g., West v. Atkins, 487 U.S. 42, 48 (1988). Plaintiff names only the Jail as a defendant, which is not amenable to suit via § 1983. See McCoy v. Chesapeake Corr. Ctr., 788 F. Supp. 890, 894 (E.D. Va. 1992) (reasoning local jails are not appropriate defendants to § 1983 actions); see also Preval v. Reno, 57 F. Supp. 2d 307, 310 (E.D. Va. 1999) (“[T]he Piedmont Regional Jail is not a “person,” and therefore not amenable to suit under 42 U.S.C. § 1983.”), aff’d in part and rev’d in part, 203 F.3d 821 (4th Cir. 2000), reported in full-text format at 2000 U.S. App. LEXIS 465, at *3, 2000 WL 20591, at *1 (“The court also properly determined that the Piedmont Regional Jail is not a ‘person’ and is therefore not amenable to suit under § 1983[.]”). Accordingly, Plaintiff presently fails to state a

claim upon which relief may be granted, and the court dismisses the amended complaint without prejudice pursuant to 42 U.S.C. § 1997e(c)(1).

ENTER: This 18th day of November, 2016.

1st Michael F. Urbaniski
United States District Judge