

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

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

JUN 29 2017

JULIA C. DUDLEY, CLERK
DEPUTY CLERK

DARYLL KEITH SHUMAKE,)
Plaintiff,)
v.)
COMMONWEALTH OF VIRGINIA,)
Defendant.)

Civil Action No. 7:17-cv-00214BY:

MEMORANDUM OPINION

By: Hon. Michael F. Urbanski
United States District Judge

Daryll Keith Shumake, a Virginia inmate proceeding pro se, filed a complaint pursuant to 42 U.S.C. § 1983 naming the Commonwealth of Virginia as the sole defendant. The court dismisses the complaint without prejudice as frivolous. Plaintiff pursues an indisputably meritless legal theory by naming the Commonwealth of Virginia as the defendant, and amending the complaint in this § 1983 action against this defendant would be futile. See, e.g., Neitzke v. Williams, 490 U.S. 319, 327 (1989); Will v. Michigan Dep't of State Police, 491 U.S. 58, 70 (1989); Monell v. New York City Dep't of Social Servs., 436 U.S. 658, 690, n.55 (1978).

ENTER: This 29th day of June, 2017.

Michael F. Urbanski

United States District Judge