

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

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

April 02, 2024
LAURA A. AUSTIN, CLERK
BY: /s/T. Taylor
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KELVIN DEON YATES,)	
Plaintiff,)	Civil Action No. 7:23cv00572
)	
v.)	OPINION and ORDER
)	
NORTHWESTERN REGIONAL JAIL,)	By: Robert S. Ballou
Defendant.)	United States District Judge

Plaintiff Kelvin Deon Yates, a Virginia inmate proceeding *pro se*, has filed a civil rights action pursuant to 42 U.S.C. § 1983, naming only one defendant, the Northwestern Regional Jail. He alleges that the shoes he was issued (cross) are not suitable for recreation. Because the claim is frivolous and the defendant is immune from suit, I will dismiss the complaint.

Section 1983 imposes liability on a “person” who subjects another to deprivation of rights secured by the Constitution. The Northwestern Regional Jail is not a person within the meaning of the statute. The jail itself is a building, not an entity. *McCoy v. Chesapeake Corr. Ctr.*, 788 F. Supp. 890, 893–94 (E.D. Va. 1992) (holding that a local jail is not a person subject to suit under § 1983); *see also Jackson v. Middle River Regional Jail*, No. 7:22cv00264, 2022 WL 1658414, *1 (W.D. Va. May 25, 2022) (applying *McCoy* in the context of a regional jail). The legal entity that operates a jail may be a proper defendant under specific circumstances, but Yates has not alleged any of those circumstances here. *See Jackson*, 2022 WL 1658414 at *1.

Additionally, neither the Constitution nor any law entitles Yates to free athletic shoes provided by the jail, so his complaint is frivolous and fails to state a claim for which relief may be granted.

The complaint is **DISMISSED** on the grounds that the defendant is not a person subject to suit under § 1983 and the claim is frivolous and fails to state a claim for which relief may be granted. Further, the matter is **STRICKEN** from the docket of this court.

Enter: April 2, 2024

/s/ Robert S. Ballou

Robert S. Ballou
United States District Judge