

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

Robert Kenneth Hill v. Duffield Regional Jail

Hill · No. 7:26-cv-00222 · Decided June 4, 2026

SUMMARY

The court dismissed Robert Kenneth Hill’s 42 U.S.C. § 1983 action at the screening stage under 28 U.S.C. § 1915A. It held that Duffield Regional Jail was not a suable entity and that seeking credit toward a sentence through a § 1983 action was improper because such relief must be pursued through habeas corpus.

CASE DETAILS

|                       |                                                                                                                                                                                                                              |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of Virginia, Roanoke Division                                                                                                                                          |
| WRITING FOR THE COURT | Elizabeth K. Dillon                                                                                                                                                                                                          |
| JURISDICTION          | United States District Court for the Western District of Virginia, Roanoke Division                                                                                                                                          |
| DECIDED               | June 4, 2026                                                                                                                                                                                                                 |
| DOCKET                | 7:26-cv-00222                                                                                                                                                                                                                |
| DISPOSITION           | dismissed                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | Pro se Virginia inmate filed a civil-rights action under 42 U.S.C. § 1983. The district court conducted the required preliminary screening under 28 U.S.C. § 1915A and dismissed the complaint for failure to state a claim. |
| STANDARD OF REVIEW    | De novo screening under 28 U.S.C. § 1915A to determine whether the prisoner complaint is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant.                                  |
| PRECEDENTIAL VALUE    | unpublished district court memorandum opinion; precedential status not stated                                                                                                                                                |
| PARTIES               | Robert Kenneth Hill v. Duffield Regional Jail                                                                                                                                                                                |

TOPICS

- section 1983
- federal habeas corpus
- prisoners rights
- pleadings
- civil procedure

## PRACTICE AREAS

Civil rights

Federal habeas corpus

Prisoner litigation

Civil procedure

## QUESTIONS PRESENTED

1. Whether Duffield Regional Jail is a suable entity under 42 U.S.C. § 1983.
2. Whether a § 1983 action is an appropriate vehicle for a claim seeking credit that would shorten the plaintiff's sentence.

## HOLDINGS

1. Duffield Regional Jail is not a suable entity under § 1983, so the complaint fails to state a claim against it.
2. A § 1983 action is not the proper vehicle for a claim seeking to shorten the length of a sentence; such a challenge must be brought through habeas corpus.

## KEY QUOTATIONS

*“A civil rights § 1983 case challenges the conditions of plaintiff’s confinement, and a habeas corpus matter challenges the legality of that confinement.”*

## FACTUAL BACKGROUND

Robert Kenneth Hill, a Virginia inmate proceeding pro se, alleged that he had unsuccessfully attempted to obtain credit for 33 missing days on his update sheet. He sought an order applying that credit. He named Duffield Regional Jail as the defendant and brought the action under 42 U.S.C. § 1983.

## PROCEDURAL HISTORY

Hill alleged that he was missing 33 days of credit from his update sheet and sought application of that credit. The court reviewed the complaint under 28 U.S.C. § 1915A and concluded that Duffield Regional Jail was not a suable entity and that any challenge seeking to shorten his sentence had to be pursued through habeas corpus rather than § 1983. The court therefore dismissed the action for failure to state a claim.

## DISPOSITION

dismissed

## CASES CITED

- Napier v. Ohai, Case No. 7:23-cv-00098, 2025 WL 2779900, at \*3 (W.D. Va. Sept. 26, 2025)
- Wilkinson v. Dotson, 544 U.S. 74, 78 (2005)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam)
- Weller v. Department of Social Services, 901 F.2d 387, 391 (4th Cir. 1990)

## OPINION

~ATROANOKE,VA FILED June 04, 2026 IN THE UNITED STATES DISTRICT COURT  
LAURA A. AUSTIN, CLERK FOR THE WESTERN DISTRICT OF VIRGINIA By: /s/ M. Poff  
ROANOKE DIVISION DEPUTY CLERK ROBERT KENNETH HILL, ) Plaintiff, ) Civil Action  
Nos. 7:26-cv-00222 ) Vv. ) ) By: Elizabeth K. Dillon DUFFIELD REGIONAL JAIL, ) Chief  
United States District Judge Defendant. ) MEMORANDUM OPINION Plaintiff Robert Kenneth  
Hill, a Virginia inmate proceeding pro se, has filed this civil rights action pursuant to 42 U.S.C. §  
1983.

(Dkt. No. 1, Compl.) This matter is before the court for review pursuant to 28 U.S.C. § 1915A. For the reasons stated below, the court concludes Hill's complaint must be dismissed. Pursuant to 28 U.S.C. § 1915A(a), the court must conduct an initial review of a "complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity." A complaint is subject to dismissal if it is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. § 1915A(b)(1), (2); see also 28 U.S.C. § 1915(e)(2).

Pleadings of self-represented litigants are given a liberal construction and held to a less stringent standard than formal pleadings drafted by lawyers. *Erickson v. Pardus*, 551 US. 89, 94 (2007) (per curiam). Liberal construction does not mean, however, that the court can ignore a clear failure in pleadings to allege facts setting forth a claim cognizable in a federal district court.

See *Weller v. Dep't of Social Servs.*, 901 F.2d 387, 391 (4th Cir. 1990). Hill alleges that he "tried numerous time to get credit time Im missing, added to my update. Records will not help get the missing 33 days credited to my update sheet." (Compl. 2.)

As relief, Hill asks that the credit be applied to his update sheet. (Id. at 3.) This action must be dismissed because Hill has sued the Duffield Regional Jail, which is not a suable entity. See *Napier v. Ohai*, Case No. 7:23-cv-00098, 2025 WL 2779900, at \*3 (W.D. Va. Sept. 26, 2025) (collecting cases holding that jails are not subject to suit under § 1983).

Further, to the extent that Hill is attempting to shorten the length of his sentence, a § 1983 action is not the correct vehicle for such a pursuit. A civil rights § 1983 case challenges the conditions of plaintiff's confinement, and a habeas corpus matter challenges the legality of that confinement. See *Wilkinson v. Dotson*, 544 U.S. 74, 78 (2005) (summarizing the distinctions between § 1983 and habeas actions).

Based on the foregoing, the court will issue an appropriate order dismissing this action for failure to state a claim. Entered: June 3, 2026. /s/ Elizabeth K. Dillon Elizabeth K. Dillon Chief United States District Judge

