

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

Brandy Hood-Cook v. SWVRJA-Duffield Facility, et al.

Hood-Cook · No. 7:24-cv-00862 · Decided April 27, 2026

OPINION

Hood-Cook

PER CURIAM.

"ATROANOKE, VA

FILED

April 27, 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

BRANDY HOOD-COOK,)

Plaintiff,)) V.) Civil Action No. 7:24-cv-00862)

SWVRJA-DUFFIELD)

FACILITY, et al.,) By: Robert S. Ballou Defendants.) United States District Judge

MEMORANDUM OPINION

Plaintiff Brandy Hood-Cook, a Virginia inmate proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Hood-Cook names the Southwest Virginia Regional Jail Authority's Duffield Facility (Duffield) and Duffield's Records Department as defendants. This action will be summarily dismissed pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim. "Section 1983 imposes liability on state actors who cause the 'deprivation of any rights, privileges, or immunities secured by the Constitution.'" Doe v. Rosa, 795 F.3d 429, 436 (4th Cir. 2015). However, the court must dismiss any action filed by a prisoner against a governmental entity or officer if the court determines the claims are frivolous, malicious, or fail to state a claim upon which relief may be granted. 28 U.S.C. § 1915A(b)(1). The plaintiff's "[f]actual allegations must be enough to raise a right to relief above the speculative level," to one that is "plausible on its face," rather than merely "conceivable." Be// Atl. Corp v. Twombly, 550 U.S. 544, 555, 570 (2007).

Hood-Cook principally alleges that she has already served her sentence and "should [have] already been released" but has not received a release date. Dkt. No. 1, at 2. She further alleges that Duffield is on lockdown for 20 hours per day which has caused her "extreme amounts of stress [and] depression[.]" Id. In terms of relief, Hood-Cook requests (i) an order requiring Duffield to "remove" its lockdown, (ii) an order requiring Duffield's Records Department to "get in touch

with [the Department of Corrections] and get [her] time calculated ASAP,” (iii) her release from incarceration, and (iv) \$8,000 in damages for “pain and suffering[.]” *Id.* at 3. Hood-Cook cannot prevail in a § 1983 claim against Duffield. A local jail facility cannot qualify as a person subject to suit under § 1983. *McCoy v. Chesapeake Corr. Ctr.*, 788 F. Supp. 890, 894 (E.D. Va. 1992) (“[T]he jail is not a person under § 1983” and thus “lacks the capacity to be sued as a jail.”). Because Hood-Cook’s claim regarding Duffield’s lockdown policy is asserted against the jail, the claim fails. Otherwise, Hood-Cook complains that she has already served her sentence but has not received a release date. The Supreme Court held in *Preiser v. Rodriguez* that the remedy to an inmate raising a sentence-calculation or max-out claim lies in habeas corpus and not in a civil rights § 1983 action. 411 U.S. 475, 489 (1973). That is, § 1983 is not the proper vehicle to challenge the fact or duration of confinement. See *Heck v. Humphrey*, 512 U.S. 477, 481 (1991). Accordingly, Hood-Cook’s claim regarding the calculation of her sentence and release date fails. For these reasons, I will dismiss this action without prejudice under 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted. An appropriate order accompanies this memorandum opinion. Enter: April 24, 2026 //s/ Robert S. Ballou Robert S. Ballou United States District Judge