

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

Daquante Seider Crute v. Keen Mountain Correctional Center

Crute · No. 7:26-cv-00135 · Decided May 7, 2026

OPINION

_ ATHARRISONBURG. VA □ FILED May 07, 2026 IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA LAURA A. AUSTIN, CLERE ROANOKE DIVISION BY: S/J.Vasquez DEPUTY CLERK DAQUANTE SEIDER CRUTE,) Plaintiff,) Civil Action Nos. 7:26-cv-00135) Vv.)) By: Elizabeth K. Dillon KEEN MOUNTAIN CORRECTIONAL) Chief United States District Judge CENTER,) Defendant.) MEMORANDUM OPINION Plaintiff Daquante Seider Crute, a Virginia inmate proceeding pro se, has filed this civil rights action pursuant to 42 U.S.C. § 1983.

(Dkt. No. 1.) This matter is before the court for review pursuant to 28 U.S.C. § 1915A. For the reasons stated below, the court concludes that Crute has failed to state a claim for which relief can be granted, and his claims 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) (requiring court, in a case where plaintiff is proceeding in forma pauperis, to dismiss the case if it is frivolous or fails to state a claim on which relief may be granted).

Crute alleges that he “came from Restrictive Housing unit approximately 6 weeks without any blankets, sheets, towels, rags or a pillow.” (Compl. 2.) Crute alleges further that he “wrote and spoke to the unit manager and building Lt getting no results.” Ud.)

However, Crute does not identify these people or name them as defendants in this action. The only defendant named by Crute is Keen Mountain Correctional Center, which is not a “person” subject to suit pursuant to § 1983. See *Hall v. Hopkins*, Civil Action No. 7:10-cv-00393, 2010 WL 5055695, at *2 (W.D. Va. Dec. 3, 2010) (citing *Will v. Mich. Dep’t of State Police*, 491 U.S. 58 (1989)).

Accordingly, plaintiff’s complaint must be dismissed for failure to state a claim. Based on the foregoing, the court will issue an appropriate order dismissing this action for failure to state a claim. Entered: May 7, 2026. /s/ Elizabeth K. Dillon Elizabeth K. Dillon Chief United States District Judge

