

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

Marquan D. Williams v. Albemarle Charlottesville Regional Jail

Williams v. Albemarle Charlottesville Regional Jail · No. 7:25-cv-00687 · Decided January 5, 2026

OPINION

ULERNO UPPiur U.o. Viol. COUKL AT ROANOKE, VA FILED January 05, 2026 IN THE UNITED STATES DISTRICT COURT paupa a AUSTIN CLERK FOR THE WESTERN DISTRICT OF VIRGINIA ay. ROANOKE DIVISION st Beeson □ □ MARQUAN D. WILLIAMS,) } Plaintiff,) Case No. 7:25-cv-00687) v.) MEMORANDUM OPINION } ALBEMARLE CHARLOTTESVILLE _) By: | Hon. Thomas T. Cullen REGIONAL JAIL,) United States District Judge) Defendant.) On September 26, 2025, Plaintiff Marquan D, Williams filed a complaint under 42 U.S.C. § 1983 against the Albemarle Charlottesville Regional Jail.

(See ECF No. 1.) The court conditionally filed the complaint but subsequently advised Plaintiff that his complaint had not named a proper defendant. Specifically, in its November 19, 2025 Order, the court informed Plaintiff “that his complaint fails to state a claim under § 1983 against Defendant” because “[a] jail is not a ‘person’ subject to suit under § 1983.” (Order 9 2, Nov.

19, 2025 [ECF No. 5] (citing *Perdue v. Penalosa*, No. 93-6313, 1994 WL 559140, at *1 (4th Cir. Oct. 13, 1994).) Plaintiff was directed to file an amended complaint within 30 days “naming any person he intends to bring this action against and specifically describing how each person identified violated his federal rights.” ([d.]

Moreover, Plaintiff was expressly warned that “failure to file an amended complaint correcting the identified deficiencies within 30 days of this date of this order will result in dismissal of this action.” Ud.) More than 30 days have elapsed and Plaintiff has not complied with the court’s order. Upon review of the original—and therefore operative—complaint, Plaintiff has failed to state a claim against the named defendant because, as Plaintiff was advised, “[t]he Jail is not a ‘person’ for purposes of § 1983, and is an arm of the Commonwealth of Virginia entitled to Eleventh Amendment immunity.” *Perdue*, 1994 WL 559140, at *1 (citing *Will v. Michigan Dep’t of State Police*, 491 U.S. 58, 71 (1989)).

Accordingly, the court will grant Plaintiff’s request to proceed in forma pauperis¹ and dismiss this case for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii). The Clerk is directed to forward a copy of this Memorandum Opinion and accompanying Order to Plaintiff. ENTERED this 2nd day of January, 2026. /s/ Thomas T. Cullen_____ HON. THOMAS T. CULLEN UNITED STATES DISTRICT JUDGE 1 The court advised Plaintiff to submit a signed

Consent to Fee form “in order to complete an application to proceed” in forma pauperis under 28 U.S.C. § 1915.

(Order ¶ 3, Sept. 30, 2025 [ECF No. 3].) That signed form was received by the court on October 17, 2025. (ECF No. 4.)

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