

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Jennifer Phillips v. Beckley Police Department and Officer Gregory
and Officer Atterson and Officer Murray and Officer Birchfield and
Officer Christian

Phillips · No. 5:25-cv-483 · Decided January 15, 2026

SUMMARY

The court reviewed Jennifer Phillips’s objections to a magistrate judge’s recommendation concerning her civil-rights and Fair Housing Act claims against the Beckley Police Department and several officers. The court overruled the objections, adopted the recommendation, denied in forma pauperis status, and dismissed the complaint, while holding dismissal in abeyance until January 30, 2026, to allow Phillips an opportunity to file a curative amended complaint.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia
WRITING FOR THE COURT	Chief United States District Judge
JURISDICTION	United States District Court for the Southern District of West Virginia
DECIDED	January 15, 2026
DOCKET	5:25-cv-483
DISPOSITION	dismissed
PROCEDURAL POSTURE	Review of a magistrate judge's proposed findings and recommendation concerning an application to proceed in forma pauperis and dismissal of a pro se civil-rights complaint.
STANDARD OF REVIEW	De novo review of portions of a magistrate judge's PF&R to which specific objections are made under 28 U.S.C. § 636(b)(1); unobjected portions need not be reviewed de novo. For screening under 28 U.S.C. § 1915(e)(2), the court applies the failure-to-state-a-claim standard and accepts well-pleaded factual allegations as true, construing pro se pleadings liberally.
PRECEDENTIAL VALUE	unpublished

PARTIES

Jennifer Phillips v. Beckley Police Department, Officer Gregory, Officer Atterson, Officer Murray, Officer Birchfield, Officer Christian

TOPICS

section 1983 municipal liability civil rights due process civil procedure

PRACTICE AREAS

civil rights constitutional law municipal liability fair housing federal civil procedure

QUESTIONS PRESENTED

1. Whether Phillips's specific allegations plausibly established § 1983 liability against the individual officers or an unconstitutional policy or custom attributable to the Beckley Police Department.
2. Whether alleged false or incomplete police reports and resulting reputational or housing-related harm stated a constitutional deprivation.
3. Whether the alleged discriminatory conduct and police inaction stated a Fair Housing Act retaliation claim.
4. Whether the district court should sustain objections to dismissal and permit amendment of the complaint.

HOLDINGS

1. The complaint failed to state a § 1983 claim because it did not identify a constitutional deprivation by the individual officers, establish an official policy or custom fairly attributable to the Beckley Police Department, or allege that such a policy or custom caused the asserted constitutional injuries.
2. The alleged reputational stigma and resulting hardship in obtaining housing did not, without more, constitute a liberty or property deprivation protected by the Fourteenth Amendment.
3. The complaint failed to state a Fair Housing Act retaliation claim because it did not plausibly allege a causal connection or sufficiently direct relation between protected activity and the asserted adverse housing-related harm.
4. The court granted Phillips's request to submit an amendment and considered the proposed amendment, but the amendment did not cure the pleading deficiencies.

KEY QUOTATIONS

“Far from alleging the existence of an official policy or custom, Ms. Phillips has not specified any actions by Officers Gregory, Atterson, Birchfield, or Christian representing a deprivation of Ms. Phillips’ constitutional rights.” (Section III.B.1)

“Even assuming Ms. Phillips can satisfy the remaining requirements to prove a FHA retaliation claim, she has failed to sufficiently allege a causal connection between her alleged protected activity and the asserted adverse action inasmuch as there is no apparent direct relation between her stated housing instability and her

neighbor's discriminatory comments, the inaction of the Beckley Police Department in responding to the neighbor's conduct, or in Officer Murray's alleged delays in amending his reports." (Section III.B.3)

FACTUAL BACKGROUND

Phillips alleged that Beckley police officers failed to respond adequately after her daughter was harmed and Phillips was subjected to racial slurs, threats, and a gun being pointed at her. She also alleged that officers detained her after she peacefully left a hotel and forced her to sign a trespass notice, and that Officer Murray omitted or delayed correcting information in police reports concerning separate incidents. Phillips claimed these events supported constitutional, § 1983, defamation, and Fair Housing Act claims.

PROCEDURAL HISTORY

Phillips filed the action and an application to proceed without prepaying fees or costs on August 4, 2025. Magistrate Judge Omar J. Aboulhosn recommended denying in forma pauperis status and dismissing the complaint for failure to state a claim. Phillips filed untimely objections, which the district court overruled, adopted the PF&R, granted her request to submit an amendment, denied the fee application, and dismissed the complaint, holding dismissal in abeyance until January 30, 2026 to allow a further motion to amend.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

None. Dismissal was held in abeyance until January 30, 2026, to permit Phillips to file a motion to amend and a proposed amended complaint curing the identified deficiencies.

CASES CITED

- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. De Leon-Ramirez, 925 F.3d 177, 181 (4th Cir. 2019)
- Elijah v. Dunbar, 66 F.4th 454, 460 (4th Cir. 2023)
- United States v. Midgett, 478 F.3d 616, 622 (4th Cir. 2007)
- Anders v. California, 386 U.S. 738, 744 (1967)
- Neitzke v. Williams, 490 U.S. 319, 325 (1989)
- Denton v. Hernandez, 504 U.S. 25 (1992)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Kerr v. Marshall University Board of Governors, 824 F.3d 62, 72 (4th Cir. 2016)
- Martin v. Duffy, 977 F.3d 294, 298 (4th Cir. 2020)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam)
- deWet v. Rollyson, 733 F. Supp. 3d 519, 528 (S.D. W. Va. 2024), aff'd, 157 F.4th 344 (4th Cir. 2025)

- Timpson ex rel. Timpson v. Anderson County Disabilities & Special Needs Board, 31 F.4th 238, 258 (4th Cir. 2022)
- Fauconier v. Clarke, 966 F.3d 265, 279-80 (4th Cir. 2020)
- Will v. Michigan Department of State Police, 491 U.S. 58, 71 (1989)
- Bd. of County Comm'rs of Bryan County v. Brown, 520 U.S. 397, 411 (1997)
- Jordan by Jordan v. Jackson, 15 F.3d 333, 338 (4th Cir. 1994)
- City of St. Louis v. Praprotnik, 485 U.S. 112, 123 (1988)
- Semple v. City of Moundsville, 195 F.3d 708, 712 (4th Cir. 1999)
- Lytle v. Doyle, 326 F.3d 463, 471 (4th Cir. 2003)
- Revene v. Charles County Commissioners, 882 F.2d 870, 875 (4th Cir. 1989)
- Shirvinski v. U.S. Coast Guard, 673 F.3d 308, 314-15 (4th Cir. 2012)
- Siegert v. Gilley, 500 U.S. 226, 233 (1991)
- Ridpath v. Board of Governors Marshall University, 447 F.3d 292, 309 (4th Cir. 2006)
- Harris v. Vanderburg, 584 F. Supp. 3d 82, 91 (E.D.N.C. 2022)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792, 802-04 (1973)
- Connolly v. Lanham, 685 F. Supp. 3d 312, 329 (D. Md. 2023)
- Hall v. Greystar Management Services, L.P., 637 F. App'x 93, 98 (4th Cir. 2016)
- Betsey v. Turtle Creek Associates, 736 F.2d 983, 987 (4th Cir. 1984)
- Bank of America Corp. v. City of Miami, Florida, 581 U.S. 189, 201 (2017)
- Holmes v. Securities Investor Protection Corp., 503 U.S. 258, 268 (1992)
- Prince George's County, Maryland v. Wells Fargo & Co., 397 F. Supp. 3d 752, 757 (D. Md. 2019)