

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

Eldgie D. Ketchum v. Bristol VA, Police Department and Isaac S.
Pratt

Ketchum · No. 7:26-cv-00259 · Decided April 17, 2026

SUMMARY

The United States District Court for the Western District of Virginia grants Eldgie D. Ketchum's application to proceed in forma pauperis but dismisses his 42 U.S.C. § 1983 complaint without prejudice under 28 U.S.C. § 1915(e)(2)(B). The court concludes that Ketchum cannot litigate claims belonging to the children allegedly traumatized during his arrest and that the complaint fails to state a plausible claim against the named defendants.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Roanoke Division
WRITING FOR THE COURT	Jasmine H. Yoon
JURISDICTION	United States District Court for the Western District of Virginia, Roanoke Division
DECIDED	April 17, 2026
DOCKET	7:26-cv-00259
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se prisoner civil-rights action under 42 U.S.C. § 1983 screened sua sponte while the plaintiff sought to proceed in forma pauperis.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B)(ii), the court must dismiss an in forma pauperis complaint at any time if it fails to state a claim. The court applied the same standard used under Federal Rule of Civil Procedure 12(b)(6), accepting well-pleaded factual allegations as true and viewing the complaint in the light most favorable to the plaintiff, while requiring a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished
PARTIES	Eldgie D. Ketchum v. Bristol VA, Police Department, Isaac S. Pratt

TOPICS

section 1983 civil rights standing motions to dismiss civil procedure

PRACTICE AREAS

civil rights civil procedure prisoner litigation constitutional law

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible claim for relief under 42 U.S.C. § 1983.
2. Whether a pro se parent or other non-attorney may assert claims belonging to minor children in federal court.
3. Whether the Bristol Police Department could be liable as a § 1983 defendant and whether the complaint adequately alleged personal involvement by Isaac S. Pratt.
4. Whether dismissal was required under the in forma pauperis screening statute.

HOLDINGS

1. A complaint filed in forma pauperis must be dismissed when it fails to state a claim on which relief may be granted, using the same plausibility standard applied to a Rule 12(b)(6) motion.
2. As a pro se litigant, Ketchum could not litigate claims belonging to his minor children in federal court.
3. The complaint failed to state a plausible § 1983 claim because it did not allege facts showing a violation of Ketchum's constitutional or federal rights, named the Bristol Police Department—which is not a person subject to § 1983 liability—as a defendant, and failed to allege personal involvement by Pratt.

KEY QUOTATIONS

“To survive a motion to dismiss for failure to state a claim, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’””

“As a pro se litigant, Ketchum may not assert claims belonging to his children.”

“Liability under § 1983 is personal, meaning that a complaint must specify the individual actions or inactions of each named Defendant that give rise to relief.”

FACTUAL BACKGROUND

Ketchum alleged that officers entered a residence during his arrest while children were present, pointed guns, made threats, screamed at the children, and traumatized them. He alleged that the children were questioned without a parent or guardian present and later became mentally unstable, and he sought damages and counseling for them. The complaint did not identify constitutional violations or federal-law violations against Ketchum personally, named the Bristol Police Department as a defendant, and did not allege actions or omissions by Isaac S. Pratt.

PROCEDURAL HISTORY

Ketchum filed a § 1983 complaint arising from an arrest and applied to proceed in forma pauperis. The court granted in forma pauperis status but dismissed the complaint without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii), and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- *Eriline Co. S.A. v. Johnson*, 440 F.3d 648, 656–57 (4th Cir. 2006)
- *Neitzke v. Williams*, 490 U.S. 319, 327 (1989)
- *De'Lonta v. Angelone*, 330 F.3d 630, 633 (4th Cir. 2003)
- *Philips v. Pitt Cnty. Mem'l Hosp.*, 572 F.3d 176, 180 (4th Cir. 2009)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)
- *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)
- *Myers v. Loudon Cnty. Pub. Schs.*, 418 F.3d 395, 401 (4th Cir. 2005)
- *Loftus v. Bobzien*, 848 F.3d 278, 284–85 (4th Cir. 2017)
- *Harris v. City of Virginia Beach*, 11 F. App'x 212, 214–15, 217 (4th Cir. 2001)

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