

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

Keon S. Hamlett v. Frank Wright

Hamlett v. Wright, No. 7:25-cv-00901 (W.D. Va. Dec. 18, 2025) · No. 7:25-cv-00901 · Decided December 18, 2025

SUMMARY

The United States District Court for the Western District of Virginia dismissed Keon S. Hamlett’s pro se § 1983 action against his privately retained criminal defense attorney. The court held that the attorney did not act under color of state law while representing Hamlett in criminal proceedings, and therefore the complaint failed to state a viable § 1983 claim. The dismissal was without prejudice under 28 U.S.C. § 1915(e)(2)(B).

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Roanoke Division
WRITING FOR THE COURT	Michael F. Urbanski
JURISDICTION	United States District Court for the Western District of Virginia, Roanoke Division
DECIDED	December 18, 2025
DOCKET	7:25-cv-00901
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se inmate filed a civil-rights action under 42 U.S.C. § 1983 and a partial application to proceed in forma pauperis. The district court screened the complaint under 28 U.S.C. § 1915(e)(2)(B) and dismissed it without prejudice for failure to state a claim.
STANDARD OF REVIEW	The court applied the same standard used for a Rule 12(b)(6) motion: accepting well-pleaded allegations as true, drawing reasonable factual inferences in the plaintiff's favor, and determining whether the complaint states a facially plausible claim for relief.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion
PARTIES	Keon S. Hamlett v. Frank Wright

TOPICS

section 1983

prisoners rights

motions to dismiss

state action

civil procedure

PRACTICE AREAS

civil rights

prisoner civil rights

federal civil procedure

QUESTIONS PRESENTED

1. Whether the complaint stated a claim under 42 U.S.C. § 1983 against a private criminal-defense attorney who represented the plaintiff in state criminal proceedings.
2. Whether the complaint was subject to dismissal during mandatory in forma pauperis screening under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim.

HOLDINGS

1. A private attorney, including one appointed by the court, does not act under color of state law when representing a criminal defendant; therefore, the complaint did not state a viable § 1983 claim against Wright.
2. The complaint had to be dismissed without prejudice for failure to state a claim upon which relief could be granted.

KEY QUOTATIONS

“It is well settled that an attorney, even when appointed by the court, does not act under color of state law when representing a defendant in a criminal case.” (Discussion)

“To survive dismissal, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’”” (Standard of Review)

FACTUAL BACKGROUND

Frank Wright, a private attorney in Rustburg, Virginia, represented Keon S. Hamlett on criminal charges in the Appomattox County Circuit Court and Campbell County Circuit Court. Hamlett alleged that Wright provided ineffective assistance during those criminal proceedings. Hamlett brought a § 1983 action seeking monetary damages from Wright.

PROCEDURAL HISTORY

Hamlett sued his former criminal-defense attorney, alleging ineffective assistance during criminal proceedings in Virginia state courts and seeking monetary damages. Upon screening the complaint, the district court determined that the attorney was not acting under color of state law and dismissed the action without prejudice under 28 U.S.C. § 1915(e)(2)(B).

DISPOSITION

dismissed

CASES CITED

- Eriline Co. S.A. v. Johnson, 440 F.3d 648, 656 (4th Cir. 2006)
- De'Lonta v. Angelone, 330 F.3d 630, 633 (4th Cir. 2003)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Polk County v. Dodson, 454 U.S. 312, 325 (1981)
- Hall v. Quillen, 631 F.2d 1154, 1155-56 (4th Cir. 1980)

OPINION

Hamlett

PER CURIAM.

CLERK'S OFFICE

IN THE UNITED STATES DISTRICT COURT U.S. DISTRICT COURT

FOR THE WESTERN DISTRICT OF VIRGINIA

ROANOKE DIVISION December 18, 2025

LAURA A. AUSTIN, CLERK

BY: s/ M.Poff, Deputy Clerk

KEON S. HAMLETT,)

Plaintiff,) Case No. 7:25-cv-00901)) By: Michael F. Urbanski FRANK WRIGHT,) Senior
United States District Judge Defendant.)

MEMORANDUM OPINION

Keon S. Hamlett, an inmate proceeding pro se, filed this civil action under 42 U.S.C. § 1983, along with a partial application to proceed in forma pauperis under 28 U.S.C. § 1915. Having reviewed the complaint, the court concludes that it must be dismissed under § 1915(e)(2)(B) for failure to state a claim upon which relief may be granted. I. Background According to the complaint, defendant Frank Wright is a private attorney in Rustburg, Virginia, who represented Hamlett on criminal charges in Appomattox County Circuit Court and Campbell County Circuit Court. Compl., ECF No. 1, at 3-5. Hamlett claims that Wright provided ineffective assistance during the criminal proceedings. Id. at 5. He seeks to recover monetary damages from Wright. Id. at 8. II. Standard of Review Under 28 U.S.C. § 1915(e), which governs in forma pauperis proceedings, the court has a mandatory duty to screen initial filings. *Eriline Co. S.A. v. Johnson*, 440 F.3d 648, 656 (4th Cir. 2006). The court must dismiss a case “at any time” if the court determines that the complaint “fails to state a claim on which relief may be granted.” 28 U.S.C. § 1915(e)(2)(B) □□□□ The standards for determining whether a complaint is subject to dismissal under § 1915(e)(2)(B)(ii) are the same as those which apply when a defendant moves for dismissal under Federal Rule of Civil Procedure 12(b)(6). *De'Lonta v. Angelone*, 330 F.3d 630, 633 (4th Cir. 2003). Thus, when reviewing a complaint under this provision, the court must accept the plaintiff’s

allegations as true and draw all reasonable factual inferences in his favor. *Id.* To survive dismissal, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* III. Discussion Hamlett filed suit against Wright under 42 U.S.C. § 1983. Section 1983 imposes liability on any person who, under color of state law, deprives another person “of any rights, privileges, or immunities secured by the Constitution and laws.” of the United States. 42 U.S.C. § 1983. “To state a claim under § 1983, a plaintiff must allege the violation of a right secured by the Constitution and laws of the United States, and must show that the alleged deprivation was committed by a person acting under color of state law.” *West v. Atkins*, 487 U.S. 42, 48, (1988). Hamlett’s complaint does not plausibly suggest that Wright acted under color of state law. All of the alleged actions or omissions for which Hamlett seeks to hold Wright liable occurred during the course of representing Hamlett on criminal charges. It is well settled that an attorney, even when appointed by the court, does not act under color of state law when representing a defendant in a criminal case. See *Polk Cnty. v. Dodson*, 454 U.S. 312, 325 (1981); *Hall v. Quillen*, 631 F.2d 1154, 1155-56 (4th Cir. 1980). Accordingly, Hamlett’s claims against Wright are not viable under § 1983. IV. Conclusion For the reasons stated, Hamlett’s complaint is DISMISSED without prejudice for failure to state a claim upon which relief can be granted. An appropriate order will be entered. Entered: December 18, 2025 Michael F. Urbanski U.S. District Judge 2025.12.18 17:28:17 -05'00' Michael F. Urbanski Senior United States District Judge