

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PRECEDENTIAL VALUE	unpublished district court memorandum opinion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

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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)

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