

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA, CHARLESTON DIVISION

Victoria Hall v. Julie Poley, et al.

Civil Action No. 2:26-CV-00250 (S.D.W. Va. Apr. 27, 2026) (proposed findings and recommendation) · No.
2:26-CV-00250 · Decided April 27, 2026

SUMMARY

The document is a magistrate judge’s Proposed Findings and Recommendation in Victoria Hall v. Julie Poley, et al., recommending dismissal without prejudice. The recommendation concludes that the pro se complaint fails to allege sufficient facts establishing federal jurisdiction or a cognizable claim, and that the plaintiff failed to maintain a current mailing address and prosecute the action. It also recommends denying the application to proceed without prepayment of fees and costs.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia, Charleston Division
WRITING FOR THE COURT	Omar J. Aboulhosn, United States Magistrate Judge
JURISDICTION	United States District Court for the Southern District of West Virginia, Charleston Division
DECIDED	April 27, 2026
DOCKET	2:26-CV-00250
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff filed an application to proceed without prepayment of fees and costs and a complaint. The magistrate judge, acting under a referral for total pretrial management and submission of proposed findings and recommendations, conducted preliminary screening and recommended denial of the fee application and dismissal without prejudice.
STANDARD OF REVIEW	On in forma pauperis screening, the court must dismiss an action that is frivolous, malicious, or fails to state a claim. Pro se pleadings are liberally construed, but the court may not construct legal arguments or factual allegations for the plaintiff. A dismissal for failure to prosecute requires consideration of the plaintiff’s personal responsibility, prejudice to the defendant, history of dilatory conduct, and the availability of a lesser sanction.

TOPICS

subject matter jurisdiction

section 1983

pleadings

civil procedure

default

PRACTICE AREAS

civil procedure

civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether the complaint should be dismissed at the in forma pauperis screening stage for failure to state a claim and failure to plead facts establishing subject-matter jurisdiction.
2. Whether the action should be dismissed without prejudice for failure to prosecute and failure to comply with Local Civil Rule 83.5.
3. Whether Hall should be afforded an opportunity to amend the complaint despite the deficiencies.

HOLDINGS

1. The complaint failed to allege sufficient facts supporting federal-question or diversity jurisdiction under 28 U.S.C. §§ 1331 and 1332, and therefore dismissal for lack of subject-matter jurisdiction was warranted.
2. To state a § 1983 claim, a plaintiff must allege deprivation of a constitutional or federal statutory right by a person acting under color of state law; Hall's complaint did not allege sufficient facts to satisfy these requirements.
3. Dismissal was warranted under 28 U.S.C. § 1915(e)(2)(B)(ii) because the complaint failed to state a claim upon which relief could be granted.
4. Dismissal without prejudice for failure to prosecute and failure to comply with the Court's local rules was warranted because Hall failed to maintain a proper address and telephone number, failed to respond to the Court's process, and appeared to have filed identical complaints in numerous courts.

KEY QUOTATIONS

“A “frivolous” complaint is one which is based upon an indisputably meritless legal theory.” (at 3)

“liberal construction “does not require courts to construct arguments or theories for a pro se plaintiff because this would place a court in the improper role of an advocate seeking out the strongest arguments and most successful strategies for a party.”” (at 4)

“The authority of a federal trial court to dismiss a plaintiff’s action with prejudice because of his failure to prosecute cannot seriously be doubted.” (at 8)

FACTUAL BACKGROUND

Hall filed an extremely sparse pro se complaint alleging, apparently, a violation of Fourteenth Amendment rights and seeking a reasonable amount in damages. The complaint did not identify where or how the defendants allegedly violated Hall's rights, whether they acted under color of state law, or facts establishing federal-question or diversity jurisdiction. Hall also failed to provide an address or location for the defendants and did not maintain a current mailing address or telephone number with the Clerk after the Court's mailing was returned as undeliverable. The magistrate judge further noted that Hall appeared to have filed materially identical complaints in numerous federal courts.

PROCEDURAL HISTORY

Hall filed the action and an application to proceed in forma pauperis on April 6, 2026. The Clerk's Standing Order was returned as undeliverable, and Hall did not provide an updated mailing address or telephone number. After screening the complaint under 28 U.S.C. § 1915(e)(2)(B)(ii), the magistrate judge recommended dismissal without prejudice for lack of subject-matter jurisdiction, failure to state a claim, and failure to prosecute or comply with local rules. The recommendation was submitted to District Judge Irene C. Berger for review, subject to objections under 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

DISPOSITION

other

CASES CITED

- Haines v. Kerner, 404 U.S. 519, 520-521 (1972)
- Randolph v. Baltimore City States Atty., 2014 WL 5293708, at *2 (D. Md. Oct. 14, 2014)
- Randolph v. New Technology, 588 Fed. Appx. 219 (4th Cir. 2014)
- Denton v. Hernandez, 504 U.S. 25 (1992)
- Neitzke v. Williams, 490 U.S. 319, 325, 327-328 (1989)
- Nancy v. Kelly, 912 F.2d 605, 607 (2d Cir. 1990)
- Gordon v. Leeke, 574 F.2d 1147, 1151, 1153 (4th Cir. 1978)
- Coleman v. Peyton, 370 F.2d 603, 604 (4th Cir. 1965)
- Miller v. Jack, 2007 WL 2050409, at *3 (N.D.W. Va. 2007)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1278 (4th Cir. 1985)
- Small v. Endicott, 998 F.2d 411 (7th Cir. 1993)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Loe v. Armistead, 582 F.2d 1291, 1295 (4th Cir. 1978)
- Bender v. Williamsport Area School District, 475 U.S. 534, 541 (1986)
- Gomez v. Toledo, 446 U.S. 635, 640 (1980)
- Hall v. Quillen, 631 F.2d 1154, 1155-1156 (4th Cir. 1980)
- Pinkley, Inc. v. City of Frederick, MD, 191 F.3d 394, 399 (4th Cir. 1999)
- McNutt v. General Motors Acceptance Corp., 298 U.S. 178 (1936)

- Chan v. Edwards, 2025 WL 3215724 (E.D. Wis. Nov. 18, 2025)
- Emrit v. Board of Immigration Appeals, 2022 WL 4287659 (S.D.W. Va. Mar. 31, 2022)
- Chambers v. NASCO, Inc., 501 U.S. 32, 44-50 (1991)
- In re Weiss, 111 F.3d 1159, 1171 (4th Cir. 1997)
- Balcar v. Bell and Associates, LLC, 295 F. Supp. 2d 635, 640 (N.D.W. Va. Apr. 4, 2003)
- Link v. Wabash Railroad Co., 370 U.S. 626, 629 (1962)
- United States ex rel. Curnin v. Bald Head Island Ltd., 381 Fed. Appx. 286, 287 (4th Cir. 2010)
- Doyle v. Murray, 938 F.2d 33, 34 (4th Cir. 1991)
- Ballard v. Carlson, 882 F.2d 93, 95 (4th Cir. 1989)
- Hanshaw v. Wells Fargo Bank, N.A., 2014 WL 4063828, at *4 (S.D.W. Va. Aug. 14, 2014)
- Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989)
- Thomas v. Arn, 474 U.S. 140, 155 (1985)
- Wright v. Collins, 766 F.2d 841, 846 (4th Cir. 1985)
- United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984)