

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA, RICHMOND DIVISION

Michael D. Jackson v. Jeremiah Fitz, et al.

Civil Action No. 3:25-cv-00808 (E.D. Va. June 22, 2026) · No. 3:25-cv-00808 · Decided June 22, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia reviews Michael D. Jackson’s pro se 42 U.S.C. § 1983 complaint concerning an alleged due process violation in a prison disciplinary proceeding. The court dismisses the claim and action with prejudice as frivolous and for failure to state a claim, finding that the omission of a potential witness from the disciplinary offense report did not implicate a protected liberty interest or deny constitutionally required process.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Richmond Division
WRITING FOR THE COURT	M. Hannah Lauck
JURISDICTION	United States District Court for the Eastern District of Virginia, Richmond Division
DECIDED	June 22, 2026
DOCKET	3:25-cv-00808
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se Virginia prisoner brought a 42 U.S.C. § 1983 action alleging that prison officials violated his Fourteenth Amendment due process rights by failing to identify Officer N. Watkins in the witness section of a disciplinary offense report. The district court screened the particularized complaint under 28 U.S.C. §§ 1915(e)(2) and 1915A.
STANDARD OF REVIEW	The court applied the screening standards under 28 U.S.C. §§ 1915(e)(2) and 1915A, including the Rule 12(b)(6) standard. Well-pleaded factual allegations were accepted as true and viewed in the light most favorable to the plaintiff, but conclusory allegations and claims lacking an arguable basis in law or fact were not accepted.
PRECEDENTIAL VALUE	unpublished_nonprecedential

PARTIES

Michael D. Jackson v. Jeremiah Fitz, Sgt. Queensberry, Sgt. Boyd, Mike Seville, Lt. Garner

TOPICS

section 1983 prisoners rights procedural due process motions to dismiss civil procedure

PRACTICE AREAS

civil rights prisoner litigation constitutional law federal civil procedure

QUESTIONS PRESENTED

1. Whether the omission of Officer Watkins from the witness section of a disciplinary offense report stated a Fourteenth Amendment due process claim.
2. Whether an alleged violation of Virginia Department of Corrections policy or procedure is actionable under 42 U.S.C. § 1983.
3. Whether Jackson plausibly alleged deprivation of a protected liberty interest or any of the minimum procedural protections required for prison disciplinary proceedings.

HOLDINGS

1. The omission did not state a due process claim because Jackson did not plausibly allege that the omission deprived him of the ability to identify or call Watkins as a witness, caused an atypical and significant hardship, or inevitably affected the duration of his sentence.
2. An alleged violation of a prison policy or procedure, without more, does not state an actionable constitutional claim under § 1983.
3. Jackson failed to state a due process claim because he did not allege that he was denied an impartial tribunal, written notice, an opportunity to call witnesses or present documentary evidence, assistance where required, or a written statement of the evidence and reasons for discipline.

KEY QUOTATIONS

“Jackson’s claim that his due process rights were violated because Sgt. Queensberry did not write Officer Watkins’s name under the “Witnesses” section of the DOR form is frivolous because it “lacks an arguable basis [both] in law [and] in fact.””

“Jackson has no federal due process right to have a DOR form free from alleged errors.”

“In sum, Claim One fails to state a claim for relief, and is factually and legally frivolous.”

FACTUAL BACKGROUND

On October 3, 2024, Sgt. Queensberry wrote a disciplinary offense report concerning a cell search during which Officer N. Watkins allegedly received a Samsung smartphone from Jackson. Watkins was identified in the narrative describing the offense but was not listed in the report's witness section. Jackson appealed the

disciplinary report to prison officials, who upheld it, and then claimed that the omission violated his right to call Watkins as a witness.

PROCEDURAL HISTORY

Jackson filed a particularized complaint concerning a prison disciplinary charge for possession of an unauthorized cell phone. He alleged that the report did not list Officer Watkins as a witness and that prison officials upheld the report on administrative appeal. On preliminary review, the court dismissed the sole claim and the action with prejudice for failure to state a claim and as factually and legally frivolous.

DISPOSITION

dismissed

CASES CITED

- Clay v. Yates, 809 F. Supp. 417, 427 (E.D. Va. 1992)
- Neitzke v. Williams, 490 U.S. 319, 324-25, 327-28 (1989)
- Republican Party of N.C. v. Martin, 980 F.2d 943, 952 (4th Cir. 1992)
- Mylan Labs., Inc. v. Matkari, 7 F.3d 1130, 1134 (4th Cir. 1993)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Conley v. Gibson, 355 U.S. 41, 47 (1957)
- Bass v. E.I. DuPont de Nemours & Co., 324 F.3d 761, 765 (4th Cir. 2003)
- Dickson v. Microsoft Corp., 309 F.3d 193, 213 (4th Cir. 2002)
- Iodice v. United States, 289 F.3d 270, 281 (4th Cir. 2002)
- Gordon v. Leeke, 574 F.2d 1147, 1151 (4th Cir. 1978)
- Brock v. Carroll, 107 F.3d 241, 243 (4th Cir. 1997) (Luttig, J., concurring)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1278 (4th Cir. 1985)
- Cochran v. Morris, 73 F.3d 1310, 1315 (4th Cir. 1996)
- Denton v. Hernandez, 504 U.S. 25, 32-33 (1992)
- Witthohn v. Fed. Ins. Co., 164 F. App'x 395, 396-97 (4th Cir. 2006)
- Riccio v. County of Fairfax, 907 F.2d 1459, 1469 (4th Cir. 1990)
- Board of Regents of State Colleges v. Roth, 408 U.S. 564, 569 (1972)
- Beverati v. Smith, 120 F.3d 500, 502 (4th Cir. 1997)
- Wilkinson v. Austin, 545 U.S. 209, 220-21 (2005)
- Puranda v. Johnson, No. 3:08CV687, 2009 WL 3175629, at *4 (E.D. Va. Sept. 30, 2009)
- Brown v. Ponce, No. 3:23cv194, 2025 WL 1384274, at *8-9 (E.D. Va. May 13, 2025)
- Stone Chapman, No. 3:22cv663, 2023 WL 3632724, at *4 (E.D. Va. May 24, 2023)
- Hill v. Jackson, 64 F.3d 163, 172 (4th Cir. 1995)

- *Sciolino v. City of Newport News, Va.*, 480 F.3d 642, 653 n.9 (4th Cir. 2007)
- *Wolff v. McDonnell*, 418 U.S. 539, 560-61, 563-71 (1974)
- *Obataiye v. Va. Dep't of Corr.*, No. 3:18CV877, 2021 WL 1566598, at *5 (E.D. Va. Apr. 21, 2021)

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