

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

Rick Duwan Acree v. Mr. Aduzie, et al.

Acree · No. 3:25-cv-01073 · Decided May 1, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia dismissed without prejudice a pro se former inmate's 42 U.S.C. § 1983 action. The court dismissed the case after the plaintiff failed to file a particularized complaint or otherwise respond to an order directing him to do so.

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	May 1, 2026
DOCKET	3:25-cv-01073
DISPOSITION	dismissed
PROCEDURAL POSTURE	A former Virginia inmate proceeding pro se and in forma pauperis brought a 42 U.S.C. § 1983 action. After finding that the allegations did not provide each defendant fair notice of the factual and legal basis for liability, the court ordered plaintiff to file a particularized complaint and warned that failure to do so would result in dismissal. Plaintiff did not comply, and the action was dismissed without prejudice.
PRECEDENTIAL VALUE	unpublished

TOPICS

- section 1983
- pleadings
- civil rights
- civil procedure

PRACTICE AREAS

- civil rights
- constitutional law
- federal civil procedure

QUESTIONS PRESENTED

1. Whether the complaint should be dismissed when it fails to provide each defendant fair notice of the facts and legal basis for liability and the plaintiff fails to comply with an order requiring a particularized complaint.

HOLDINGS

1. A § 1983 plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or a right conferred by federal law, and the pleading must provide each defendant fair notice of the facts and legal basis for liability.
2. When a plaintiff fails to submit a required particularized complaint or otherwise respond after being warned that noncompliance will result in dismissal, the action may be dismissed without prejudice.

KEY QUOTATIONS

“Accordingly, the action will be *DISMISSED WITHOUT PREJUDICE*.”

FACTUAL BACKGROUND

Plaintiff was a former Virginia inmate proceeding pro se and in forma pauperis. He filed a § 1983 action, but his allegations did not give each defendant fair notice of the facts and legal basis supporting liability. After being ordered to file a particularized complaint, plaintiff failed to do so within thirty days or otherwise respond.

PROCEDURAL HISTORY

Plaintiff filed a § 1983 complaint in the Eastern District of Virginia. On March 24, 2026, the court ordered him to submit a particularized complaint within thirty days and warned that noncompliance would result in dismissal. Plaintiff neither filed the required complaint nor otherwise responded, so the court dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- *Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)
- *Conley v. Gibson*, 355 U.S. 41, 47 (1957)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division RICK DUWAN ACREE, Plaintiff, v. Civil Action No. 3:25cv1073 MR.
ADUZIE, et al., Defendants. MEMORANDUM OPINION Plaintiff, a former Virginia inmate
proceeding pro se and in forma pauperis, filed this 42 U.S.C. § 1983 action.

In order to state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. See *Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). Plaintiff's current allegations fail to provide each defendant with fair notice of the facts and legal basis upon which his or her liability rests.

See *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). Accordingly, by Memorandum Order (ECF No. 8), entered on March 24, 2026, the Court directed Plaintiff to submit a particularized complaint within thirty (30) days of the date of entry thereof.

The Court warned Plaintiff that the failure to submit a particularized complaint would result in the dismissal of the action. More than thirty (30) days have elapsed since the entry of the March 24, 2026 Memorandum Order. Plaintiff failed to submit a particularized complaint or otherwise respond to the March 24, 2026 Memorandum Order.

Accordingly, the action will be DISMISSED WITHOUT PREJUDICE. An appropriate order will accompany this Memorandum Opinion. /s/ Date: 5 | | [202% y M. Hanna k Richmond, Virginia Chief United States) District Judge