

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

David Bone v. Nurse Sands, et al.

Civil Action No. 3:25-cv-564 · No. 3:25-cv-564 · Decided January 8, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia dismissed David Bone’s 42 U.S.C. § 1983 action without prejudice. The court concluded that the complaint failed to provide the defendants fair notice of the factual and legal basis for liability and that the plaintiff failed to comply with an order directing him to file a particularized complaint.

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	January 8, 2026
DOCKET	3:25-cv-564
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a pro se, in forma pauperis action under 42 U.S.C. § 1983. After the court ordered him to file a particularized complaint and warned that failure to do so would result in dismissal, he did not comply.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion

TOPICS

- section 1983
- pleadings
- civil procedure
- prisoners rights

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice after Plaintiff failed to comply with the court's order directing him to file a particularized complaint.

HOLDINGS

1. The action was dismissed without prejudice because Plaintiff failed to submit a particularized complaint or otherwise respond within the time required by the court's order.

KEY QUOTATIONS

“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.”

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

FACTUAL BACKGROUND

Plaintiff is a Virginia inmate proceeding pro se and in forma pauperis who filed a § 1983 action against Nurse Sands and other defendants. The court found that his allegations failed to give each defendant fair notice of the factual and legal basis for liability. After being ordered to file a particularized complaint within thirty days, Plaintiff failed to do so or otherwise respond.

PROCEDURAL HISTORY

The court previously determined that Plaintiff's allegations did not provide each defendant fair notice of the facts and legal basis for liability. On November 19, 2025, it directed Plaintiff 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 DAVID BONE, Plaintiff, v. Civil Action No. 3:25cv564 NURSE SANDS, et al., Defendants. MEMORANDUM OPINION Plaintiff, a 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 entered on November 19, 2025, the Court directed Plaintiff to submit a particularized complaint within thirty (30) days of the date of entry thereof. (ECF No. 10.)

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 November 19, 2025 Memorandum Order. Plaintiff failed to submit a particularized complaint or otherwise respond to the November 19, 2025 Memorandum Order.

Accordingly, the action will be DISMISSED WITHOUT PREJUDICE. An appropriate Final Order will accompany this Memorandum Opinion. Date: 6 | 20 Le M. Hannah La Richmond, Virginia Chief United States District Judge