

**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.

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

