

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
VIRGINIA, ROANOKE DIVISION

Les Christopher Burns v. Haley Lowman

Burns v. Lowman · No. 7:25-cv-00370 · Decided May 4, 2026

SUMMARY

The United States District Court for the Western District of Virginia considers a pro se inmate’s 42 U.S.C. § 1983 claims against a nurse practitioner alleging retaliation for filing a grievance and unconstitutional medical isolation. The court concludes that the complaint fails to plausibly allege the defendant’s personal involvement or establish a First, Eighth, or Fourteenth Amendment violation. The court grants the defendant’s Rule 12(b)(6) motion to dismiss.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Roanoke Division
WRITING FOR THE COURT	C. Kailani Memmer
JURISDICTION	United States District Court for the Western District of Virginia, Roanoke Division
DECIDED	May 4, 2026
DOCKET	7:25-cv-00370
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a pro se action under 42 U.S.C. § 1983. Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss for failure to state a claim. The parties consented to magistrate-judge jurisdiction.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court viewed well-pleaded allegations in the light most favorable to the plaintiff and assessed whether the complaint contained sufficient factual matter to state a plausible claim for relief. The court also construed the pro se complaint liberally while requiring it to meet the minimum threshold of plausibility.
PRECEDENTIAL VALUE	Unknown; district-court memorandum opinion
PARTIES	Les Christopher Burns v. Haley Lowman

TOPICS

section 1983

prisoners rights

motions to dismiss

first amendment

due process

PRACTICE AREAS

civil rights

constitutional law

prisoner litigation

federal civil procedure

QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged that Lowman was personally involved in a constitutional deprivation under 42 U.S.C. § 1983.
2. Whether the complaint stated a First Amendment retaliation claim based on Burns's filing of a grievance.
3. Whether the complaint stated an Eighth Amendment conditions-of-confinement claim or, if Burns was a pretrial detainee, a Fourteenth Amendment due-process claim.
4. Whether Burns could supplement or amend the complaint through allegations made in his opposition brief.

HOLDINGS

1. A § 1983 complaint must allege facts showing each defendant's personal involvement in the alleged constitutional deprivation; merely naming a defendant in the caption is insufficient. Burns's complaint did not plausibly allege Lowman's personal involvement.
2. The complaint failed to state a First Amendment retaliation claim because it did not plausibly allege that Lowman took any action adversely affecting Burns's First Amendment rights.
3. The complaint failed to state an Eighth Amendment conditions-of-confinement claim because the vague allegation of medical isolation did not plausibly satisfy the objective or subjective components of such a claim.
4. Assuming Burns was a pretrial detainee, the complaint failed to state a Fourteenth Amendment conditions-of-confinement claim because it did not plausibly allege that Lowman knowingly, intentionally, or recklessly failed to address a substantial risk of serious harm.
5. A plaintiff may not amend a complaint by adding new allegations in a response to a motion to dismiss.

KEY QUOTATIONS

“A plaintiff “must plead that each Government-official defendant, through the Official’s own individual conduct, has violated the Constitution.””

“Being the primary care physician and the sole decision maker regarding the plaintiff’s care, responsibility is in the defendants['] hands alone.”

FACTUAL BACKGROUND

Burns, a Virginia inmate, alleged that after filing a grievance concerning negligence, a newly sustained injury, missing narcotic medication, and denial of prescribed medications and diet, he was moved from a medical monitoring unit to a medical isolation cell as reprisal. Lowman was the sole named defendant, but the complaint

did not identify specific conduct by her connecting her to the alleged retaliation, medication issues, or conditions of confinement. Burns later attempted to provide additional allegations in his opposition to the motion to dismiss.

PROCEDURAL HISTORY

Burns alleged that Haley Lowman retaliated against him for filing a grievance by moving him from a medical monitoring unit to a medical isolation cell and that he missed prescribed medications. Lowman moved to dismiss. The court granted the motion, concluding that the complaint did not plausibly allege Lowman's personal involvement or viable First, Eighth, or Fourteenth Amendment claims.

DISPOSITION

dismissed

CASES CITED

- Ibarra v. United States, 120 F.3d 472, 474 (4th Cir. 1997)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-57, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 676, 678, 681 (2009)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Moss v. Trent, Case No. 7:23-cv-00116, 2025 WL 84218, at *3 (W.D. Va. Jan. 13, 2025)
- Manigault v. Capital One, N.A., Civil No. JKB-23-223, 2023 WL 3932319, at *2 (D. Md. June 8, 2023)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1277-78 (4th Cir. 1985)
- Wright v. Collins, 766 F.2d 841, 850 (4th Cir. 1985)
- Trulock v. Freeh, 275 F.3d 391, 402 (4th Cir. 2001)
- Wilcox v. Brown, 877 F.3d 161, 170 (4th Cir. 2017)
- Williams v. Dotson, Civil Action No. 7:25-cv-00522, 2026 WL 87652, at *1 (W.D. Va. Jan. 12, 2026)
- Potter v. Clark, 497 F.2d 1206, 1207 (7th Cir. 1974)
- Brewington v. Daniel, C/A No. 8:25-cv-1968-MGL-WSB, 2025 WL 1886364, at *6 (D.S.C. June 10, 2025)
- Rhoads v. Guilford County, N.C., 751 F. Supp. 3d 590, 607 n.14 (M.D.N.C. 2024)
- Pirelli Armstrong Tire Corp. v. Walgreen Co., 631 F.3d 436, 448 (7th Cir. 2011)
- Jones v. Solomon, 90 F.4th Cir. 198, 213 (4th Cir. 2024)
- Farmer v. Brennan, 511 U.S. 825, 832 (1994)
- Porter v. Clarke, 923 F.3d 348, 355 (4th Cir. 2019)
- Ford v. Northam, Civil Action No. 7:22-cv-00122, 2023 WL 2767780, at *18 (W.D. Va. Mar. 31, 2023)
- Beverati v. Smith, 120 F.3d 500, 504 (4th Cir. 1997)
- Short v. Hartman, 87 F.4th 593, 603-06, 611 (4th Cir. 2023)
- Tolbert v. Haug, Case No. 7:23-cv-00533, 2024 WL 1719936, at *3 (W.D. Va. Apr. 22, 2024)

OPINION

CLERKS OFFICE US DISTRICT C AT ROANOKE, VA FILED IN THE UNITED STATES DISTRICT COURT May 04, 2026 FOR THE WESTERN DISTRICT OF VIRGINIA LAURA A AUSTIN □□□□ ROANOKE DIVISION BY: Is/ M. Poff DEPUTY CLERK LES CHRISTOPHER BURNS,) Plaintiff,) Civil Action No. 7:25-cv-00370) v.) MEMORANDUM OPINION) HALEY LOWMAN,) By: C. Kailani Memmer Defendant.) United States Magistrate Judge Les Christopher Burns, a Virginia inmate proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983.

Compl., ECF No. 1. Burns alleges that Haley Lowman, N.P., retaliated against him for filing a grievance and caused him to miss prescribed medications when he was detained at the Roanoke City Adult Detention Center (RCADC).!

The parties have consented to the undersigned magistrate judge exercising jurisdiction over this matter. See ECF No. 20. Before the court is Lowman's motion to dismiss Burns' complaint for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. ECF No. 14. This motion will be granted.

I. Background Lowman is named as the sole defendant in this case. In response to the query on the standard form complaint, Burns states that he filed a grievance regarding the facts of this complaint, and as a result, he was "moved from medical monitoring unit to medical isolating cell as reprisal—no resolution was made." Compl. 2. Then, under the description of his claim, Burns alleges that "after filing grievance for negligence regarding newly sustained injury, missing narcotic medication, and denial of prescribed medications and diet, I was moved from monitoring to isolation as reprisal." /d. ' After being at RCADC, Burns was later moved to the Lynchburg Adult Detention Center, ECF No. 4, and then the Western Virginia Regional Jail, ECF No. 22.

Burns requests "compensatory relief for damages incurred and punitive relief befitting the severity and potential liabilities related to the accused actions." Id. at 3. The court construes the complaint as alleging (1) a First Amendment retaliation claim based on being placed in medical isolation for filing a grievance, and (2) an Eighth Amendment or Fourteenth Amendment² claim based on that alleged punishment.

II. Analysis A. Rule 12(b)(6) Standard When analyzing a motion to dismiss for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6), the court must view all well-pleaded allegations in the light most favorable to the plaintiff. *Ibarra v. United States*, 120 F.3d 472, 474 (4th Cir. 1997). "[A] well-pleaded complaint may proceed even if it strikes a savvy judge that actual proof of those facts is improbable." *Bell Atl.*

Corp. v. Twombly, 550 U.S. 544, 556 (2007). Even so, "[f]actual allegations must be enough to raise a right to relief above the speculative level." Id. at 555. A plaintiff must "plausibly suggest an entitlement to relief." *Ashcroft v. Iqbal*, 556 U.S. 662, 681 (2009). "[A] complaint must contain

sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Id.* at 678 (quoting *Twombly*, 550 U.S. at 570). “A pleading that offers ‘labels and conclusions’ or ‘a formulaic recitation of the elements of a cause of action will not do.’ Nor does a complaint suffice if it tenders ‘naked assertion[s]’ devoid of ‘further factual enhancement.’” *Iqbal*, 556 U.S. at 678 (quoting *Twombly*, 550 U.S. at 555, 557).

In addition, pro se plaintiffs are held to a “less stringent standard” than lawyers, and courts construe their pleadings liberally, no matter how “inartfully pleaded.” *Erickson v. Pardus*, 551 U.S. 2. It is unclear from the allegations in the complaint whether Burns was a pretrial detainee or a convicted inmate when detained at RCADC. “The standard that applies to a claim challenging conditions of confinement depends on whether a plaintiff was a convicted inmate or a pretrial detainee at the time of the conditions at issue.” *Moss v. Trent*, Case No. 7:23-cv-00116, 2025 WL 84218, at *3 (W.D.

Va. Jan. 13, 2025). 89, 94 (2007). Nonetheless, a pro se complaint must still meet the “minimum threshold of plausibility” under *Twombly* and *Iqbal*. See *Manigault v. Capital One, N.A.*, Civil No. JKB-23-223, 2023 WL 3932319, at *2 (D. Md. June 8, 2023). While pro se complaints “represent the work of an untutored hand requiring special judicial solicitude,” district courts are not required to “conjure up questions never squarely presented to them” or to “construct full blown claims from... fragments.” *Beaudett v. City of Hampton*, 775 F.2d 1274, 1277–78 (4th Cir.

1985). B. Personal Involvement For an individual to be liable under § 1983, it must be “affirmatively shown that the official charged acted personally in the deprivation of the plaintiff’s rights.” *Wright v. Collins*, 766 F.2d 841, 850 (4th Cir. 1985). A plaintiff “must plead that each Government-official defendant, through the Official’s own individual conduct, has violated the Constitution.” *Iqbal*, 556 U.S. at 676.

A plaintiff must show direct personal involvement by each particular defendant. *Trulock v. Freeh*, 275 F.3d 391, 402 (4th Cir. 2021) (noting that liability in a civil rights case is “personal, based upon each defendant’s own constitutional violations”). Further, a viable § 1983 claim requires factual detail about each defendant’s personal involvement. See *Wilcox v. Brown*, 877 F.3d 161, 170 (4th Cir.

2017). Dismissal is appropriate when defendants are referenced only in the caption of the case. *Williams v. Dotson*, Civil Action No. 7:25-cv-00522, 2026 WL 87652, at *1 (W.D. Va. Jan. 12, 2026) (citing *Potter v. Clark*, 497 F.2d 1206, 1207 (7th Cir. 1974) (“Where a complaint alleges no specific act or conduct on the part of the defendant and the complaint is silent as to the defendant... the complaint is properly dismissed, even under the liberal construction to be given pro se complaints.”).)

Burns does not plausibly allege the personal involvement of Lowman in any alleged constitutional violation. Aside from being named in the complaint, Burns' allegations give no possible notice to Lowman of what she is alleged to have done to give rise to a complaint against her. "General allegations, absent any specific facts of personal involvement in the events giving rise to this case, are insufficient to state a cognizable § 1983 claim." *Brewington v. Daniel*, C/A No. 8:25-cv-1968-MGL-WSB, 2025 WL 1886364, at *6 (D.S.C.

June 10, 2025) (citing *Potter*, 497 F.2d at 1207). In his response to the motion to dismiss, Burns contends that the complaint "plainly states on its face an accusation of gross medical negligence resulting in irreparable harm while under the care and direct supervision of the defendant, as well as retaliation against the petitioner for filing reports alleging the claim." ECF No. 18. "Being the primary care physician and the sole decision maker regarding the plaintiff's care, responsibility is in the defendants['] hands alone." *Id.* Even if this additional information and supplementation could be considered sufficient to state a claim, it is well-established that a plaintiff may not amend his complaint through briefing in response to a motion to dismiss.

See *Rhoads v. Guilford Cnty., N.C.*, 751 F. Supp. 3d 590, 607 n.14 (M.D.N.C. 2024) (noting that it is "axiomatic that a plaintiff may not amend his complaint in his response brief") (citing *Pirelli Armstrong Tire Corp. v. Walgreen Co.*, 631 F.3d 436, 448 (7th Cir. 2011)).

As it stands, the complaint does not adequately state the personal involvement of the only named defendant in this case. C. First Amendment Generously construed, Burns appears to allege a First Amendment claim due to retaliation against him for filing a grievance. Among the elements for such a claim is that the defendant "took some action that adversely affected his First Amendment rights." *Jones v. Solomon*, 90 F.4th Cir.

198, 213 (4th Cir. 2024). For many of the same reasons already stated, Burns has failed to plausibly allege any actions by Lowman that impacted his rights under the First Amendment. D. Eighth or Fourteenth Amendment The Eighth Amendment protects convicted inmates from cruel and unusual punishment and imposes an affirmative obligation on correctional officials to provide humane conditions of confinement.

Farmer v. Brennan, 511 U.S. 825, 832 (1994). "Like any other Eighth Amendment claim, an Eighth Amendment conditions of confinement claim has (1) objective and (2) subjective components." *Porter v. Clarke*, 923 F.3d 348, 355 (4th Cir. 2019). Burns has not plausibly alleged either aspect of an Eighth Amendment claim.

For example, aside from a vague reference to "medical isolation," Burns fails to allege any conditions of confinement that would objectively raise his living conditions to the level of punishment in violation of the Eighth Amendment. See *Ford v. Northam*, Civil Action No. 7:22-cv-00122, 2023 WL 2767780, at *18 (W.D. Va. Mar. 31, 2023) (explaining conditions of

confinement such as six months of segregation with no outside recreation, no clean clothes, inadequate food, and cells infested with vermin and smeared with urine and feces did not state an Eighth Amendment claim) (citing *Beverati v. Smith*, 120 F.3d 500, 504 (4th Cir.

1997)). A pretrial detainee's claim of deliberate indifference to unsafe or inhumane conditions of confinement is governed by the Due Process Clause of the Fourteenth Amendment. See *Short v. Hartman*, 87 F.4th 593, 603–06 (4th Cir. 2023) (addressing a pretrial detainee's claim of deliberate indifference to serious medical needs).

To state such a claim, a pretrial detainee must plead facts sufficient to establish that he was subjected to a condition of confinement that posed a substantial risk of serious harm, that “the defendant intentionally, knowingly, or recklessly acted or failed to act to appropriately address the risk that the condition posed,” and that “the defendant knew or should have known... that the defendant's action or inaction posed an unjustifiably high risk of harm.” *Id.* at 611; see also *Tolbert v. Haug*, Case No. 7:23-cv-00533, 2024 WL 1719936, at *3 (W.D.

Va. Apr. 22, 2024). Burns has not stated such a claim in his complaint. Burns has not plausibly alleged that Lowman failed to act to address any risk or that Lowman knew or should have known that her action or inaction posed a risk of harm that was unjustifiably high. III. Conclusion For the reasons stated in this opinion, the court will issue an order granting defendant's motion to dismiss.

ENTER: May 4, 2026. /s/ C. Kailani Memmer United States Magistrate Judge