

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)

