

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

Devon Frye v. Nelson Smith, et al.

Frye · No. 3:25cv331 · Decided April 27, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia considers a motion to dismiss claims brought under 42 U.S.C. § 1983 by civil detainee Devon Frye concerning his double-occupancy housing assignment and alleged risks associated with his night terrors. The court holds that defendants exercised professional judgment under *Youngberg v. Romeo* and that Frye failed to state a Fourteenth Amendment substantive due process claim. The motion to dismiss is granted as to those claims, while other asserted claims remain pending for further proceedings.

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	April 27, 2026
DOCKET	3:25cv331
DISPOSITION	other
PROCEDURAL POSTURE	Pro se civil detainee brought a 42 U.S.C. § 1983 action asserting constitutional and state-law claims. Defendants moved to dismiss, but addressed only the Fourteenth Amendment substantive due process claim concerning Frye's room assignment.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and views the complaint in the light most favorable to the plaintiff, but need not accept legal conclusions. The complaint must allege sufficient facts to state a facially plausible claim. The court may consider documents integral to and explicitly relied upon in the complaint without converting the motion to one for summary judgment.

PARTIES

Devon Frye v. Nelson Smith, Carla Zarrella, Jason Wilson, Nathan Moore, Tonya Hurt

QUESTIONS PRESENTED

1. Whether Frye stated a Fourteenth Amendment substantive due process claim by alleging that facility officials assigned him a roommate despite his nightmares and night terrors.
2. Whether the documents attached to and incorporated into the complaint established that officials exercised professional judgment in assigning Frye a roommate.
3. Whether Frye could seek relief based on the risk of harm allegedly faced by his roommate.

HOLDINGS

1. A civil detainee's substantive liberty interest in safe conditions does not establish a constitutional violation where the challenged housing decision resulted from the exercise of professional judgment and the complaint does not show that the assignment materially increased the detainee's safety risk.
2. Frye could not obtain relief based solely on the alleged harm or risk of harm to his roommate because he lacked standing to litigate another person's rights.
3. The portions of Claims One, Two, Three, Four, Six, and Seven alleging violations of Frye's Fourteenth Amendment substantive due process rights failed to state a claim and were dismissed under Rule 12(b)(6).

KEY QUOTATIONS

“Accordingly, to determine if a civilly detained individual has suffered a constitutional violation, a court must “weigh[] the [detainee’s] interest” in safe conditions and freedom from bodily restraint “against the State’s asserted reasons for restraining” those liberty interests.” (at 11)

“In the civil detention context, “the Constitution only requires that the courts make certain that professional judgment” (at 11)

FACTUAL BACKGROUND

Frye, a civil detainee at the Virginia Center for Behavioral Rehabilitation, was diagnosed with nightmares and night terrors and repeatedly expressed concern that sharing a room could endanger him or a roommate. Facility personnel and treatment professionals nevertheless assigned him a roommate, explaining in facility documents that a roommate could help intervene during episodes and that the Housing Committee believed the arrangement was in his best interest. The complaint alleged that Frye had violent episodes involving his roommate, but documents attached to the complaint showed that similar erratic nighttime behavior predated the double-occupancy assignment and that the alleged assaults were less severe than pleaded.

PROCEDURAL HISTORY

Frye filed a § 1983 complaint while civilly committed at the Virginia Center for Behavioral Rehabilitation. Defendants moved to dismiss the Fourteenth Amendment due process claim. The court granted the motion under

Rule 12(b)(6) as to the substantive due process claims, while leaving Frye's other claims pending and directing the parties to address those claims through summary-judgment motions or express decisions not to move.

DISPOSITION

other

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