

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA, CHARLESTON DIVISION

Maurice-Edward Thompson v. S. Wilshire

Civil Action No. 2:24-cv-00268 · No. Civil Action No. 2:24-cv-00268 · Decided February 3, 2026

SUMMARY

This Proposed Findings and Recommendation addresses a motion to dismiss Maurice-Edward Thompson’s second amended 42 U.S.C. § 1983 complaint against police officer S. Wilshire. The magistrate judge concludes that the complaint fails to allege sufficient facts to support Fourth Amendment unlawful-detention and excessive-force claims and recommends granting the motion and dismissing the action with prejudice. The recommendation was entered for review by the assigned district judge.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia, Charleston Division
WRITING FOR THE COURT	Dwane L. Tinsley, United States Magistrate Judge
JURISDICTION	United States District Court for the Southern District of West Virginia, Charleston Division
DECIDED	February 3, 2026
DOCKET	Civil Action No. 2:24-cv-00268
DISPOSITION	other
PROCEDURAL POSTURE	Proposed findings and recommendation on Defendant's motion to dismiss Plaintiff's second amended complaint in a 42 U.S.C. § 1983 action.
STANDARD OF REVIEW	The complaint must contain sufficient factual allegations to state a plausible claim for relief; conclusory allegations, labels, legal conclusions, and speculation are insufficient. Pro se pleadings receive liberal construction, but the court may not rewrite the complaint or act as the plaintiff's advocate. Leave to amend may be denied when amendment would be futile.
PRECEDENTIAL VALUE	Unknown; proposed findings and recommendation from a federal district court

PARTIES

Maurice-Edward Thompson v. S. Wilshire

TOPICS

motions to dismiss

pleadings

section 1983

civil rights

constitutional law

PRACTICE AREAS

Civil rights

Federal civil procedure

Constitutional law

Police misconduct

Remedies

QUESTIONS PRESENTED

1. Whether the second amended complaint stated a plausible Fourth Amendment or other constitutional claim under 42 U.S.C. § 1983.
2. Whether the allegations plausibly showed that the traffic stop violated the Fourth Amendment.
3. Whether the excessive-force allegation stated a plausible claim when it provided no facts describing the force used.
4. Whether further leave to amend should be denied as futile.

HOLDINGS

1. The second amended complaint failed to state a plausible claim because it consisted of conclusory assertions unsupported by sufficient factual allegations.
2. The allegations did not plausibly establish that the traffic stop violated the Fourth Amendment because the complaint did not provide sufficient facts concerning the stop, and a traffic stop supported by reasonable suspicion or probable cause of a traffic violation is constitutionally permissible.
3. The excessive-force allegation was insufficient because Plaintiff pleaded no facts describing how the force was used or why it was excessive.
4. Further amendment should be denied as futile because Plaintiff had already been given two opportunities to amend with specific explanations of the pleading deficiencies and again submitted materially deficient allegations.

KEY QUOTATIONS

“The U.S. Supreme Court has explained that if the complaint provides no more than “labels and conclusions” or “a formulaic recitation of the elements of a cause of action,” dismissal is proper.” (at 3)

“Simply put, without more, Plaintiff has utterly failed to demonstrate a violation of his Fourth Amendment rights.” (at 4)

“Under the circumstances, dismissal with prejudice is proper.” (at 5)

FACTUAL BACKGROUND

Plaintiff alleged that on or about April 28, 2024, Defendant, an Oak Hill police officer, stopped Plaintiff's automobile on U.S. 19 near Greentown in Fayette County, West Virginia, based on an asserted defective license-plate light. Plaintiff alleged only that Defendant unlawfully detained him, used excessive force, and denied him due process, without describing the circumstances of the detention or the manner of force. Plaintiff attached excerpts of police incident statements, but the court found that they did not cure the pleading deficiencies.

PROCEDURAL HISTORY

Plaintiff initiated the action on May 30, 2024, and the court previously allowed him to amend his complaint twice while identifying deficiencies in his factual allegations. Defendant moved to dismiss the second amended complaint for failure to state a plausible claim. After Plaintiff responded and Defendant replied, the magistrate judge recommended granting the motion and dismissing the action with prejudice, subject to objections and review by the assigned district judge.

DISPOSITION

other

CASES CITED

- Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 1975)
- Whren v. United States, 517 U.S. 806, 813 (1996)
- Ashcroft v. Iqbal, 556 U.S. 662, 678, 684-85 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-56 (2007)
- Painter's Mill Grille, LLC v. Brown, 716 F.3d 342, 350 (4th Cir. 2013)
- Weller v. Dep't of Soc. Servs., 901 F.2d 387, 391 (4th Cir. 1990)
- United States v. Stewart, 551 F.3d 187, 191 (2d Cir. 2009)
- United States v. Martin, 411 F.3d 998, 1001 (8th Cir. 2005)
- United States v. Lopez-Soto, 205 F.3d 1101, 1105 (9th Cir. 2000)
- Hawthorne v. Cty. of Putnam, 492 F. Supp. 3d 281, 295 (S.D.N.Y. 2020)
- Randolph v. Baltimore City, 14-3176, 2014 WL 5293708, at *1 (D. Md. Oct. 14, 2014)
- Randolph v. New Tech, 588 Fed. App'x 219 (4th Cir. 2014)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1278 (4th Cir. 1985)
- Equal Rights Ctr. v. Niles Bolton Assocs., 602 F.3d 597, 603 (4th Cir. 2010)
- Save Our Sound OBX, Inc. v. N.C. Dep't of Transp., 914 F.3d 213, 228 (4th Cir. 2019)
- Thomas v. Arn, 474 U.S. 140, 155 (1985)
- Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989)
- Wright v. Collins, 766 F.2d 841, 846 (4th Cir. 1985)
- United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984)

