

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

Antwon Whitten v. C.W. Franks

Whitten v. Franks · No. 7:25-cv-00756 · Decided March 16, 2026

SUMMARY

The United States District Court for the Western District of Virginia dismissed Antwon Whitten’s 42 U.S.C. § 1983 action against C.W. Franks as barred by Virginia’s two-year statute of limitations. The court rejected arguments based on continuing effects, lack of jurisdiction, and tolling, declined supplemental jurisdiction over any state-law claims, and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Roanoke Division
WRITING FOR THE COURT	Jasmine H. Yoon
JURISDICTION	United States District Court for the Western District of Virginia, Roanoke Division
DECIDED	March 16, 2026
DOCKET	7:25-cv-00756
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 action against a prison official. Defendant moved to dismiss under Federal Rule of Civil Procedure 12(b)(6), arguing that the claims were barred by the statute of limitations and res judicata and failed to state a claim. The court granted the motion to dismiss as time-barred.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court tests the legal sufficiency of the complaint. Although an affirmative defense ordinarily cannot be resolved on such a motion, the court may decide a statute-of-limitations defense when all facts necessary to establish it clearly appear on the face of the complaint.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court memorandum opinion
PARTIES	Antwon Whitten v. C.W. Franks

TOPICS

statute of limitations

motions to dismiss

section 1983

due process

equal protection

PRACTICE AREAS

civil rights

civil procedure

prisoner litigation

QUESTIONS PRESENTED

1. Whether the court could resolve the statute-of-limitations defense on a Rule 12(b)(6) motion.
2. Whether Whitten's 42 U.S.C. § 1983 claims were barred by the applicable two-year statute of limitations.
3. Whether the continuing-violation theory or a void-ab-initio jurisdictional theory extended or eliminated the limitations bar.
4. Whether the court should exercise supplemental jurisdiction over any state-law claims after dismissing the federal claims.

HOLDINGS

1. A court may resolve a statute-of-limitations defense on a Rule 12(b)(6) motion when all facts necessary to establish the defense clearly appear on the face of the complaint.
2. Section 1983 claims arising in Virginia are subject to Virginia's two-year personal-injury statute of limitations.
3. A § 1983 cause of action accrues under federal law when the plaintiff possesses sufficient facts about the harm that reasonable inquiry would reveal the cause of action, or knows or has reason to know of the injury.
4. Continuing effects of a discrete violation do not extend the limitations period; the continuing-violation doctrine applies only when the unlawful acts themselves continue.
5. Whitten did not establish a basis for tolling the limitations period, and his contention that the challenged disciplinary disposition was void ab initio did not eliminate the limitations bar.

KEY QUOTATIONS

“A continuing violation is occasioned by continual unlawful acts, not continual ill effects from an original violation.”

FACTUAL BACKGROUND

Whitten, a Virginia inmate, challenged actions taken by C.W. Franks in connection with disciplinary charges in 2015. He alleged that those actions resulted in due-process and equal-protection violations, including a substantial restitution order, and asserted that their effects continued to affect him. The complaint and attached correspondence showed that Whitten knew of the relevant facts no later than 2020 or 2021, but he did not file this action until October 2025.

PROCEDURAL HISTORY

Whitten mailed his complaint to the district court on October 16, 2025, alleging constitutional violations arising from disciplinary actions taken in 2015. Franks moved to dismiss, and Whitten opposed the motion. The court concluded that the statute of limitations defense was apparent from the complaint and dismissed the action, declining supplemental jurisdiction over any state-law claims.

DISPOSITION

dismissed

CASES CITED

- *Randall v. United States*, 30 F.3d 518, 522 (4th Cir. 1994)
- *Goodman v. Praxair, Inc.*, 494 F.3d 458, 464 (4th Cir. 2007)
- *United States v. Kivanc*, 714 F.3d 782, 789 (4th Cir. 2013)
- *Dean v. Pilgrim's Pride Corp.*, 395 F.3d 471, 474 (4th Cir. 2005)
- *Wilson v. Garcia*, 471 U.S. 261, 266-75 (1985)
- *Lewis v. Richmond City Police Dep't*, 947 F.2d 733, 736 (4th Cir. 1991)
- *Nasim v. Warden, Md. House of Corr.*, 64 F.3d 951, 955 (4th Cir. 1995)
- *Wallace v. Kato*, 549 U.S. 384, 388 (2007)
- *D.A. Realestate Inv., LLC v. City of Norfolk*, No. 2:21-cv-00653, 2023 WL 2637382, at *4 (E.D. Va. Mar. 23, 2023)
- *Owens v. Baltimore City State's Att'ys Off.*, 767 F.3d 379, 389 (4th Cir. 2014)
- *Alderman v. Patrick County*, No. 4:19-cv-00002, 2019 WL 4345376, at *3 (W.D. Va. Sept. 12, 2019)
- *Nat'l Advert. Co. v. Raleigh*, 947 F.2d 1158, 1161 (4th Cir. 1991)
- *Chardon v. Fumero Soto*, 462 U.S. 650, 657 (1983)
- *Wade v. Danek Med., Inc.*, 182 F.3d 281, 286-90 (4th Cir. 1999)

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