

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

Terry K. Ofori v. David W. Zook, et al.

Ofori · No. 7:23-cv-00667 · Decided March 27, 2026

SUMMARY

The United States District Court for the Western District of Virginia granted defendants' motions for summary judgment in Terry K. Ofori's 42 U.S.C. § 1983 action alleging retaliation and deliberate indifference at Wallens Ridge State Prison. The court held that the claims were barred by Virginia's two-year statute of limitations and that a separate state-court action did not toll the limitations period because the defendants were different.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                          |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of Virginia, Roanoke Division                                                                                                                                                                      |
| WRITING FOR THE COURT | Elizabeth K. Dillon                                                                                                                                                                                                                                      |
| JURISDICTION          | United States District Court for the Western District of Virginia, Roanoke Division                                                                                                                                                                      |
| DECIDED               | March 27, 2026                                                                                                                                                                                                                                           |
| DOCKET                | 7:23-cv-00667                                                                                                                                                                                                                                            |
| DISPOSITION           | other                                                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | Plaintiff brought a 42 U.S.C. § 1983 action alleging retaliation and deliberate indifference. Defendants moved for summary judgment, arguing that the claims were barred by the statute of limitations.                                                  |
| STANDARD OF REVIEW    | Summary judgment is appropriate when the movant shows that there is no genuine dispute as to any material fact and is entitled to judgment as a matter of law. The court views reasonable inferences in the light most favorable to the nonmoving party. |
| PRECEDENTIAL VALUE    | Unknown; memorandum opinion from a federal district court with no reported citation.                                                                                                                                                                     |

TOPICS

- summary judgment
- statute of limitations
- section 1983
- prisoners rights
- civil procedure

## PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

statute of limitations

## QUESTIONS PRESENTED

1. Whether defendants were entitled to summary judgment because Ofori's § 1983 claims were filed outside Virginia's applicable two-year statute of limitations.
2. Whether Ofori's 2021 action in the Circuit Court for Wise County tolled the limitations period for his claims against the defendants in this federal action.

## HOLDINGS

1. The defendants were entitled to summary judgment because Ofori's retaliation and deliberate-indifference claims were filed more than two years after the latest alleged conduct and were therefore time-barred.
2. The pendency of Ofori's Wise County action did not toll the limitations period for his federal claims because none of the defendants in this case was a defendant in the Wise County action.

## KEY QUOTATIONS

*“Summary judgment is appropriate where “the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.”” (Section II.A)*

*“Accordingly, the pendency of the Wise County case could not have tolled the limitations period for any of Ofori’s claims against the defendants in this case.” (Section II.B)*

## FACTUAL BACKGROUND

Ofori, a Virginia inmate, alleged that officials at Wallens Ridge State Prison retaliated against him and acted with deliberate indifference during events beginning in March 2020 and continuing through 2020 and 2021. The latest allegation identified in the amended complaint was dated March 22, 2021. The complaint initiating the related action was signed and filed on April 28, 2023, and the amended complaint that was severed to create this action was filed on July 28, 2023.

## PROCEDURAL HISTORY

The action was severed from an amended complaint filed in Case No. 7:23-cv-249. Plaintiff filed an amended complaint in this action on September 26, 2024, alleging events occurring in 2020 and 2021 at Wallens Ridge State Prison. Defendants moved for summary judgment, plaintiff responded, and the court granted the motions on statute-of-limitations grounds. Defendant D. Britter had not been served, and plaintiff separately requested dismissal of the claims against him without prejudice.

## DISPOSITION

other

## CASES CITED

- In re Apex Express Corp., 190 F.3d 624, 633 (4th Cir.)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323-24 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 252 (1986)
- Davis v. Eaton, Civil Action No. 7:23cv00744, 2025 WL 3140806, at \*3 (W.D. Va. Nov. 10, 2025)
- Owens v. Okure, 488 U.S. 235, 251 (1989)
- Lewis v. Richmond City Police Dept., 947 F.2d 733, 735 (4th Cir. 1991)
- Nichols v. Synchrony Bank, Civil Action No. 7:22-cv-00565, 2023 WL 2474216, at \*1 n.3 (W.D. Va. Mar. 13, 2023)
- Green v. Wells Fargo Bank, 927 F. Supp. 2d 244, 246 n.2 (D. Md. 2013)