

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

Goldie Marie Page v. Judge DeHart, et al.

Page · No. 7:25CV00609 · Decided May 12, 2026

SUMMARY

The United States District Court for the Western District of Virginia summarily dismisses Goldie Marie Page’s pro se 42 U.S.C. § 1983 complaint without prejudice for failure to state a claim. The court concludes that the claims are barred or deficient based on judicial immunity, lack of state action, lack of probable-cause allegations, failure to plead personal involvement or deliberate indifference, and other pleading deficiencies. The opinion addresses claims against a judge, attorney, law-enforcement officers, correctional officials, and mental-health personnel.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Roanoke Division
WRITING FOR THE COURT	James P. Jones
JURISDICTION	United States District Court for the Western District of Virginia, Roanoke Division
DECIDED	May 12, 2026
DOCKET	7:25CV00609
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se prisoner civil-rights action under 42 U.S.C. § 1983, summarily dismissed at the screening stage for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B).
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915(e)(2)(B); the complaint must be dismissed if it fails to state a claim on which relief may be granted. The court also applied pleading requirements requiring facts supporting a reasonable inference of liability as to each defendant.
PRECEDENTIAL VALUE	Unknown; unpublished district-court opinion

PARTIES

Goldie Marie Page v. Judge DeHart, Randal Kirk, Susan Bowman, Frank Powle, Officer Bowden, other arresting officers, Kimberly Hagg, Officers Bartlet, Shepherd, Rivera, and Bloomer, Mental Health Rick, Mental Health Lexi

TOPICS

section 1983

motions to dismiss

civil rights

fourth amendment

due process

PRACTICE AREAS

civil rights

constitutional law

prisoner litigation

civil procedure

criminal procedure

QUESTIONS PRESENTED

1. Whether the claims against Judge DeHart were barred by judicial immunity.
2. Whether Page stated a claim under § 1983 against Randal Kirk based on alleged child labor and other unspecified conduct.
3. Whether Page's claims against her defense attorneys were actionable under § 1983.
4. Whether Page stated an unlawful-arrest claim against the sheriff and arresting officers.
5. Whether Page stated a Fourteenth Amendment deliberate-indifference claim based on alleged denial of mental-health services to other inmates.
6. Whether the complaint adequately alleged personal involvement by each defendant.

HOLDINGS

1. A judge is generally immune from suit under § 1983 for judicial acts unless the challenged conduct was nonjudicial or was taken in the complete absence of all jurisdiction. Sentencing was a judicial act, and Page did not plausibly allege that Judge DeHart lacked jurisdiction; therefore the claims against him were dismissed.
2. Page failed to state a § 1983 claim against Randal Kirk because the pleading did not identify Kirk's employment or state action, and child-labor claims fall under the Fair Labor Standards Act rather than a prisoner civil-rights action. Any FLSA claim was also time-barred on the allegations and public records before the court.
3. Defense attorneys do not act under color of state law for purposes of § 1983 when representing a criminal defendant, regardless of whether they are privately retained, appointed by the state, or employed as public defenders.
4. To state a § 1983 claim for unlawful arrest or imprisonment, a plaintiff must allege detention without probable cause. Page did not allege facts showing a lack of probable cause, and her subsequent indictment and final disposition of the charges settled probable cause for the arrest.
5. A pretrial detainee alleging deliberate indifference to medical needs under the Fourteenth Amendment must plead a serious medical condition or injury, the defendant's intentional, knowing, or reckless

response to the substantial risk, the defendant's knowledge of the condition and risk, and resulting harm. Page failed to allege a medical condition, harm to herself, or personal involvement by the named defendants.

KEY QUOTATIONS

“Defense attorneys do not act “under color of” state law and are, therefore, not amenable to suit under § 1983” (§ 3)

“a plaintiff must plead that each Government-official defendant, through the official’s own individual actions, has violated the Constitution.” (§ 5)

“vicarious liability is inapplicable to . . . § 1983 suits,” (§ 5)

FACTUAL BACKGROUND

Page alleged that Judge DeHart sentenced her for trespass, that Randal Kirk subjected her and her family to unauthorized conduct and child labor, and that her attorneys failed to represent her adequately. She also alleged that sheriff's officers arrested her while she was protesting, and that jail or mental-health personnel failed to provide mental-health assistance to other inmates. Page identified herself as a state pretrial detainee, but did not allege a medical condition, personal harm, probable-cause deficiency, or specific personal involvement by most defendants.

PROCEDURAL HISTORY

Page filed a form complaint asserting constitutional claims against multiple individuals, including a judge, an alleged security employee, attorneys, arresting officers, jail or supervisory personnel, and mental-health personnel. The district court screened the complaint under the Prison Litigation Reform Act and dismissed it without prejudice for failure to state a claim, entering a separate judgment.

DISPOSITION

dismissed

CASES CITED

- Martin v. Duffy, 977 F.3d 294, 301 (4th Cir. 2020)
- Cooper v. Sheehan, 735 F.3d 153, 158 (4th Cir. 2013)
- Mireles v. Waco, 502 U.S. 9, 11-12 (1991)
- Stump v. Sparkman, 435 U.S. 349, 362 (1978)
- Martin v. Deiriggi, 985 F.2d 129, 135 (4th Cir. 1992)
- Philips v. Pitt County Memorial Hospital, 572 F.3d 176, 180 (4th Cir. 2009)
- Witthohn v. Federal Insurance Co., 164 F. App'x 395, 396 (4th Cir. 2006)
- Gasner v. Dinwiddie, 162 F.R.D. 280, 282 (E.D. Va. 1995)
- Hall v. Quillen, 631 F.2d 1154, 1155-56 (4th Cir. 1980)

- Deas v. Potts, 547 F.2d 800 (4th Cir. 1976)
- Polk County v. Dodson, 454 U.S. 312, 325 (1981)
- Ward v. Ghee, No. 92-6975, 1993 WL 410357, at *1 (4th Cir. 1993)
- Nichols v. Bumgarner, No. 24-7215, 2026 WL 1084251, at *4 (4th Cir. Apr. 22, 2026)
- Brooks v. City of Winston-Salem, 85 F.3d 178, 183 (4th Cir. 1996)
- Sowers v. City of Charlotte, 659 F. App'x 738, 739 (4th Cir. 2016)
- Kaley v. United States, 571 U.S. 320, 327-28 (2014)
- Short v. Hartman, 87 F.4th 593, 606, 611-612 (4th Cir. 2023)
- Ashcroft v. Iqbal, 556 U.S. 662, 676 (2009)
- Gordon v. Schilling, 937 F.3d 348, 356-357 (4th Cir. 2019)
- Griffin v. Mortier, 837 F. App'x 166, 170 (4th Cir. 2020)
- Wilkins v. Montgomery, 751 F.3d 214, 226 (4th Cir. 2014)
- Jackson v. Sampson, 536 F. App'x 356, 357 (4th Cir. 2013)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1278 (4th Cir. 1985)