

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

Paul Lovings v. Patricia L. West, et al.

Lovings · No. 7:24-cv-00674 · Decided March 27, 2026

SUMMARY

The United States District Court for the Western District of Virginia grants defendants’ motion to dismiss Paul Lovings’s 42 U.S.C. § 1983 claims arising from parole-revocation proceedings. The court holds that alleged violations of Virginia parole procedures do not establish a federal due process violation, parole revocation does not implicate the Double Jeopardy Clause, and release or damages are unavailable under § 1983 under the circumstances presented.

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	7:24-cv-00674
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se prisoner civil-rights action under 42 U.S.C. § 1983; defendants moved to dismiss the second amended complaint under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	A Rule 12(b)(6) motion tests the legal and factual sufficiency of the complaint. The court accepts well-pleaded factual allegations as true, draws reasonable inferences in the plaintiff’s favor, and asks whether the complaint states a plausible claim for relief; legal conclusions and unwarranted inferences need not be accepted. Pro se pleadings are liberally construed but must still satisfy the plausibility requirement.
PRECEDENTIAL VALUE	nonprecedential district court memorandum opinion
PARTIES	Paul Lovings v. Patricia L. West, Meagan Johnson, et al.

TOPICS

motions to dismiss

due process

section 1983

prisoners rights

federal habeas corpus

PRACTICE AREAS

civil procedure

constitutional law

civil rights

prisoner litigation

post-conviction relief

QUESTIONS PRESENTED

1. Whether the second amended complaint plausibly alleged a procedural due process violation based on alleged violations of Virginia parole procedures and the failure to provide an appeal packet.
2. Whether the alleged introduction of past evidence during parole-revocation proceedings violated the Fifth Amendment Double Jeopardy Clause.
3. Whether release from custody or damages were available remedies in Lovings's § 1983 action challenging parole-related proceedings.

HOLDINGS

1. The complaint failed to state a procedural due process claim because Lovings did not allege deprivation of a constitutionally protected liberty interest or constitutionally inadequate procedures. Alleged violations of state-created parole procedures, without more, did not establish a federal due process violation.
2. The alleged introduction of past evidence during Lovings's parole-revocation hearing did not implicate the Double Jeopardy Clause because parole revocation is not an essentially criminal prosecution and a sentence imposed after revocation is not a new punishment.
3. Release from custody was unavailable in a § 1983 action, and Lovings could not obtain damages for an allegedly invalid confinement-related judgment unless the conviction or sentence had first been invalidated.

KEY QUOTATIONS

"To withstand a motion to dismiss, a pleading "must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.""

"If "state law grants more procedural rights than the Constitution would otherwise require, a state's failure to abide by that law is not a federal due process issue.""

"habeas corpus is the exclusive remedy for a state prisoner who challenges the fact or duration of his confinement and seeks immediate or speedier release"

FACTUAL BACKGROUND

Lovings, a Virginia inmate incarcerated following a parole violation, alleged that probation officer Meagan Johnson introduced past evidence at his preliminary parole-revocation hearing in violation of Virginia Parole Board policy and the Due Process and Double Jeopardy Clauses. He also alleged that Parole Board member Patricia L. West failed to provide an appeal packet after his July 17, 2024 hearing and delayed sending a written decision. He sought release from custody and compensatory and punitive damages.

PROCEDURAL HISTORY

Lovings initially sued Patricia L. West, amended his complaint to add Meagan Johnson, and was later granted leave to file a second amended complaint naming both defendants. Defendants moved to dismiss, and Lovings filed a response construed as an opposition. The court granted the motion to dismiss and noted that other pending motions were moot because of the second amended complaint.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 677–80 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555–63 (2007)
- Giarratano v. Johnson, 521 F.3d 298, 302 (4th Cir. 2008)
- Nemet Chevrolet, Ltd. v. Consumeraffairs.com, Inc., 591 F.3d 250, 255 (4th Cir. 2009)
- King v. Rubenstein, 825 F.3d 206, 214 (4th Cir. 2016)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1278 (4th Cir. 1985)
- Jackson v. Lightsey, 775 F.3d 170, 178 (4th Cir. 2014)
- Snider Int’l Corp. v. Town of Forest Heights, 739 F.3d 140, 145 (4th Cir. 2014)
- Beverati v. Smith, 120 F.3d 500, 502 (4th Cir. 1997)
- Accident, Inj. & Rehab., P.C. v. Azar, 943 F.3d 195, 203 (4th Cir. 2019)
- Morrissey v. Brewer, 408 U.S. 471, 489 (1972)
- Burnette v. Fahey, 687 F.3d 171, 181–82 (4th Cir. 2012)
- Greenholtz v. Inmates of the Neb. Penal & Corr. Complex, 442 U.S. 1, 7 (1979)
- Bloodgood v. Garrahty, 783 F.2d 470, 473 (4th Cir. 1986)
- McCall v. Chapman, Civil Action No. 7:21-cv-00181, 2021 WL 3629992, at *2 (W.D. Va. Aug. 17, 2021)
- Riccio v. County of Fairfax, Va., 907 F.2d 1459, 1469 (4th Cir. 1990)
- Swarthout v. Cooke, 562 U.S. 216, 222 (2011)
- United States v. Foneneau, 277 F. App’x 293, 294 (4th Cir. 2008)
- Grandall v. Commonwealth, Civil Action No. 3:11CV486-HEH, 2012 WL 1999857, at *3 (E.D. Va. June 4, 2012)
- Breed v. Jones, 421 U.S. 519, 528 (1975)
- Heck v. Humphrey, 512 U.S. 477, 481, 487 (1994)
- Phagan v. Webber, C/A No. 8:18-564-TMC-JDA, 2018 WL 4573098, at *4 (D.S.C. Mar. 8, 2018)