

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA

David Carlyle Meeks v. SWVRJ-Haysi Facility et al.

Meeks · No. 7:25-cv-00226 · Decided February 20, 2026

SUMMARY

The United States District Court for the Western District of Virginia granted the defendants’ motion to dismiss most claims brought under 42 U.S.C. § 1983 by incarcerated plaintiff David Carlyle Meeks. The court dismissed claims concerning alleged verbal sexual harassment, PREA violations, the jail facility as a defendant, and retaliation claims against Officer Turner, while allowing the First Amendment retaliation claim against Sergeant Johnson to proceed. The court also denied Meeks’s discovery motion without prejudice and described procedures for any future amendment or discovery.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia
WRITING FOR THE COURT	Jasmine H. Yoon
JURISDICTION	United States District Court for the Western District of Virginia
DECIDED	February 20, 2026
DOCKET	7:25-cv-00226
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 action alleging verbal sexual harassment and retaliation by correctional officers. Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss all claims except the retaliation claim against Sergeant Johnson. The court granted the motion in part, dismissed the claims against the facility and Officer Turner and the harassment-related claims against Turner and Johnson, and allowed the retaliation claim against Johnson to proceed.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true but need not accept legal conclusions, conclusory assertions, or facts devoid of enhancement. The complaint must contain sufficient factual matter to state a plausible claim for relief. Pro se pleadings are construed liberally but must still satisfy the plausibility requirement.

PRECEDENTIAL VALUE	Unpublished district court memorandum opinion; persuasive effect only and not precedential beyond the case.
PARTIES	David Carlyle Meeks v. SWVRJ-Haysi Facility, Officer Turner, Sergeant Johnson

TOPICS

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[section 1983](#)
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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Southwest Virginia Regional Jail-Haysi Facility is a person subject to suit under 42 U.S.C. § 1983.
2. Whether the Prison Rape Elimination Act creates a private right of action or substantive rights enforceable through § 1983.
3. Whether isolated verbal sexual harassment without physical contact states an Eighth Amendment claim under § 1983.
4. Whether the retaliation claim against Officer Turner was properly dismissed for lack of allegations showing his personal involvement.
5. Whether new factual allegations could be added through an opposition brief.
6. Whether the motion for discovery should be denied without prejudice after dismissal of the claims to which the requested discovery related.

HOLDINGS

1. A jail facility is not a person subject to suit under 42 U.S.C. § 1983, so the claims against the Southwest Virginia Regional Jail-Haysi Facility were dismissed.
2. The Prison Rape Elimination Act does not create a private right of action or specific substantive rights for inmates, and an alleged violation of the PREA therefore cannot support Meeks's § 1983 claim.
3. A single incident of verbal sexual harassment without physical contact does not state a plausible Eighth Amendment claim under § 1983.
4. The retaliation claim against Officer Turner was properly dismissed because the complaint alleged no facts connecting Turner to the allegedly false disciplinary charge.
5. A plaintiff may not amend a complaint by adding new factual allegations in an opposition brief.
6. The alleged denial of one shower did not state a plausible Eighth Amendment claim where Meeks could wash at a sink and alleged no resulting injury.

KEY QUOTATIONS

“Because Meeks’ allegations in the complaint, even when all accepted as true, do not support a viable § 1983 claim other than the retaliation claim against Johnson, the court will grant the motion to dismiss.”

“Section 1983 . . . is not an independent source of substantive rights, but simply a vehicle for vindicating preexisting constitutional and statutory rights.”

“Liability under § 1983 is “personal, based upon each defendant’s own constitutional violations.””

“It is “axiomatic that a complaint may not be amended by the briefs in opposition to a motion to dismiss.””

FACTUAL BACKGROUND

Meeks, an incarcerated person, alleged that he was denied a shower and cleaned himself at a sink while Officer Turner and Sergeant Johnson watched and made rude, derogatory, and sexual remarks. He alleged no physical contact. After he complained and threatened to file reports, a disciplinary charge was filed against him the next day and signed by Johnson; he alleged no involvement by Turner. In his opposition, Meeks added allegations concerning a denial of one shower and statements by Turner that he was a snitch and needed to be beaten, but those allegations were not included in the complaint.

PROCEDURAL HISTORY

Meeks filed a pro se complaint against Southwest Virginia Regional Jail-Haysi Facility, Officer Turner, and Sergeant Johnson. Turner and Johnson moved to dismiss all claims except the retaliation claim against Johnson. Meeks opposed the motion and separately sought discovery; the court denied discovery without prejudice as to the dismissed claims while permitting discovery concerning the remaining retaliation claim.

DISPOSITION

other

CASES CITED

- Randall v. United States, 30 F.3d 518, 522 (4th Cir. 1994)
- Ashcroft v. Iqbal, 556 U.S. 662, 678–79 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 554, 556 (2007)
- 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)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Perdue v. Penalosa, 38 F.3d 1213, 1213 (4th Cir. 1994) (unpublished table opinion)
- Blaydon v. Sw. Virginia Reg’l Jail-Duffield, No. 7:23-cv-00340, 2024 WL 69828, at *1 (W.D. Va. Jan. 5, 2024)

- *Safar v. Tingle*, 859 F.3d 241, 245 (4th Cir. 2017)
- *Graham v. Connor*, 490 U.S. 386, 393–94 (1989)
- *Gonzaga Univ. v. Doe*, 536 U.S. 273, 286 (2002)
- *Chapman v. Willis*, No. 7:12-cv-00389, 2013 WL 2322947, at *4 (W.D. Va. May 28, 2013)
- *Chinnici v. Edwards*, No. 1:07-cv-00229, 2008 WL 3851294, at *3 (D. Vt. Aug. 12, 2008)
- *Rhodes v. Chapman*, 452 U.S. 337, 346–47 (1981)
- *Farmer v. Brennan*, 511 U.S. 825, 834 (1994)
- *Cooper v. Johnsin*, No. 7:23-cv-00708, 2024 WL 2869045, at *1–2 (W.D. Va. June 6, 2024)
- *Owen v. Schmidit*, No. 7:22-cv-00675, 2024 WL 4173805, at *2–3 (W.D. Va. Sept. 12, 2024)
- *Jackson v. Holley*, 666 F. App'x 242, 244–45 (4th Cir. 2016)
- *Trulock v. Freeh*, 275 F.3d 391, 402 (4th Cir. 2001)
- *Wilcox v. Brown*, 877 F.3d 161, 170 (4th Cir. 2017)
- *Vinnedge v. Gibbs*, 550 F.2d 926, 928 (4th Cir. 1977)
- *Lewis-Bey v. Wilson*, No. 3:17-cv-00763, 2019 WL 4889261, at *3 (E.D. Va. Oct. 3, 2019)
- *Potter v. Clark*, 497 F.2d 1206, 1207 (7th Cir. 1974)
- *Katz v. Odin, Feldman & Pittleman, P.C.*, 332 F. Supp. 2d 909, 917 n.9 (E.D. Va. 2004)
- *Morgan Distrib. Co. v. Unidynamic Corp.*, 868 F.2d 992, 995 (8th Cir. 1989)
- *Bell v. True Mfg. Co.*, No. 2:20-cv-00263, 2020 WL 10095356, at *4 (E.D. Va. Sept. 16, 2020)
- *Hammonds v. Wolfe*, No. 3:18-01377, 2020 WL 1243609, at *4 (S.D.W. Va. Mar. 13, 2020)
- *Howard v. Williams*, Nos. 90-0125 and 90-0147, 1991 WL 199872, at *2 (E.D. Va. June 4, 1991), *aff'd*, 952 F.2d 395 (4th Cir. 1992)
- *Shakka v. Smith*, 71 F.3d 162, 168 (4th Cir. 1995)