

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

Raven Blackheart v. J. Harrison, et al.

Blackheart · No. 7:24-cv-00505 · Decided May 15, 2026

SUMMARY

The United States District Court for the Western District of Virginia dismisses Raven Blackheart’s amended 42 U.S.C. § 1983 complaint without prejudice under 28 U.S.C. § 1915A(b)(1). The court concludes that the former cellmate was not acting under color of state law, the Prison Rape Elimination Act does not provide a private cause of action, and the allegations against prison officials do not establish a constitutional violation or deliberate indifference. The court also rejects claims based on inadequate investigation, medical treatment, and supervisory liability.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Roanoke Division
WRITING FOR THE COURT	Michael F. Urbanski
JURISDICTION	United States District Court for the Western District of Virginia, Roanoke Division
DECIDED	May 15, 2026
DOCKET	7:24-cv-00505
DISPOSITION	dismissed
PROCEDURAL POSTURE	Screening of an amended prisoner civil-rights complaint under 28 U.S.C. § 1915A(a).
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A(b)(1), the court must dismiss a prisoner's complaint that fails to state a claim upon which relief may be granted. The pleading must contain sufficient factual matter, accepted as true, to state a facially plausible claim, and pro se pleadings are construed liberally but must still satisfy the plausibility requirement.
PRECEDENTIAL VALUE	Unknown; memorandum opinion from a federal district court with no reported citation.

PARTIES

Raven Blackheart v. J. Harrison, Nurse Smith, Investigator Cole, Investigator Squire, Warden of Keen Mountain Correctional Center, Blackheart's former cellmate

TOPICS

section 1983 prisoners rights cruel and unusual punishment civil procedure

PRACTICE AREAS

Civil rights Prisoner litigation Constitutional law Federal civil procedure

QUESTIONS PRESENTED

1. Whether the former cellmate could be liable under 42 U.S.C. § 1983 absent allegations that the cellmate acted under color of state law.
2. Whether the Prison Rape Elimination Act creates a private cause of action for an alleged prison rape.
3. Whether prison officials' alleged failure to investigate or prosecute the assault stated a constitutional claim.
4. Whether the allegations stated an Eighth Amendment failure-to-protect or deliberate-indifference claim against prison officials.
5. Whether the allegations stated an Eighth Amendment deliberate-indifference-to-medical-needs claim based on the failure to obtain hospital DNA testing or other evidence collection.

HOLDINGS

1. The former cellmate was not subject to liability under § 1983 because the amended complaint did not allege that the cellmate acted under color of state law.
2. The Prison Rape Elimination Act does not create a private cause of action for allegations of prison rape.
3. The alleged failure of prison officials to investigate the assault or resolve Blackheart's grievances did not state a cognizable constitutional claim.
4. The amended complaint did not state an Eighth Amendment failure-to-protect claim because it did not plausibly allege that any prison official had actual knowledge of and deliberately disregarded an excessive risk to Blackheart's safety.
5. The allegations concerning the failure to obtain hospital DNA testing or additional evidence collection did not state an Eighth Amendment deliberate-indifference claim.
6. The warden could not be held liable under § 1983 solely because of a supervisory position where the complaint failed to allege an underlying constitutional violation.

KEY QUOTATIONS

“To survive dismissal for failure to state a claim, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’””

“There is no statutory or common law right, much less a constitutional right, to an investigation,”

“a prison official violates the Eighth Amendment only when two requirements are met.”

“This is a “very high standard” that is not met by a showing of mere negligence.”

FACTUAL BACKGROUND

Blackheart alleged that her former cellmate drugged, sexually assaulted, and branded her, and that prison staff failed to investigate properly or collect and preserve DNA evidence. She alleged that staff photographed the branding, did not send her to a hospital for a rape kit or DNA testing, and later informed her that there was insufficient evidence to confirm the incident. She also alleged that she received a physical examination, HIV and other sexually transmitted disease testing, and access to sick call. She sought damages, removal of the branding, and criminal charges against the defendants.

PROCEDURAL HISTORY

Blackheart filed an amended complaint under 42 U.S.C. § 1983 against correctional officials, a nurse, investigators, a warden, and her former cellmate. After reviewing the amended complaint under the Prison Litigation Reform Act screening provision, the court concluded that it failed to state a claim and dismissed the action without prejudice under 28 U.S.C. § 1915A(b)(1).

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- 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. Dameron, 171 F.4th 641, 650 (4th Cir. 2026)
- Thomas v. Salvation Army S. Terr., 841 F.3d 632, 637 (4th Cir. 2016)
- Safar v. Tingle, 859 F.3d 241, 245 (4th Cir. 2017)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- American Manufacturers Mutual Insurance Co. v. Sullivan, 526 U.S. 40, 50 (1999)
- Duvall v. Anderson, 4:12-cv-00193, 2012 U.S. Dist. LEXIS 205496, at *3 (N.D. Tex. Apr. 13, 2012)
- Krieg v. Steele, 599 F. App'x 231, 232 (5th Cir. 2015)
- Kalu v. Spaulding, 113 F.4th 311, 333-34 (3d Cir. 2024)
- Mitchell v. McNeil, 487 F.3d 374, 378-79 (6th Cir. 2007)
- Linda R. S. v. Richard D., 410 U.S. 614, 619 (1973)
- Geiger v. Jowers, 404 F.3d 371, 374 (5th Cir. 2005)

- Farmer v. Brennan, 511 U.S. 825, 834, 837-38 (1994)
- Raynor v. Pugh, 817 F.3d 123, 127 (4th Cir. 2016)
- Danser v. Stansberry, 772 F.3d 340, 346-47 (4th Cir. 2014)
- Ford v. Hooks, 108 F.4th 224, 230 (4th Cir. 2024)
- Lyles v. Stirling, 844 F. App'x 651, 654 (4th Cir. 2021)
- Jackson v. Lightsey, 775 F.3d 170, 178 (4th Cir. 2014)
- Phillips v. Bailey, 337 F. Supp. 2d 804, 807 (W.D. Va. 2004)

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