

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

Andrew Mark Hagy v. Lt. Emily Carver et al.

No. 7:25-cv-00146 (W.D. Va. Mar. 25, 2026) · No. 7:25-cv-00146 · Decided March 25, 2026

SUMMARY

The United States District Court for the Western District of Virginia grants motions to dismiss Andrew Mark Hagy's 42 U.S.C. § 1983 action arising from the alleged scattering of legal papers and tearing of his Bible during a cell search. The court holds that Hagy failed to allege the defendants' personal participation, a substantial burden on religious exercise, or a viable due process property claim. The Southwest Virginia Regional Jail Authority is dismissed with prejudice, while the claims against the individual defendants are dismissed without prejudice, with leave to amend.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Roanoke Division
WRITING FOR THE COURT	Robert S. Ballou
JURISDICTION	United States District Court for the Western District of Virginia, Roanoke Division
DECIDED	March 25, 2026
DOCKET	7:25-cv-00146
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a pro se action under 42 U.S.C. § 1983. Four defendants and the Southwest Virginia Regional Jail Authority moved to dismiss under Federal Rule of Civil Procedure 12(b)(6); the court treated the nonappearing defendant similarly and granted the motions.
STANDARD OF REVIEW	The court applied the Federal Rule of Civil Procedure 12(b)(6) plausibility standard, accepting well-pleaded factual allegations as true and construing a pro se complaint liberally, while requiring sufficient factual matter to state a facially plausible claim.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion
PARTIES	Andrew Mark Hagy v. Lt. Emily Carver, Bill Stacy, Jayden Adams, Ethan Addair, Southwest Virginia Regional Jail Authority

TOPICS

motions to dismiss

section 1983

free exercise clause

due process

civil procedure

PRACTICE AREAS

civil rights

constitutional law

prisoner litigation

civil procedure

QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged that each individual defendant personally participated in a constitutional violation under 42 U.S.C. § 1983.
2. Whether the alleged damage to Hagy's Bible plausibly stated a First Amendment Free Exercise Clause claim.
3. Whether the alleged destruction of Hagy's property plausibly stated a Fourteenth Amendment procedural due process claim.
4. Whether the Southwest Virginia Regional Jail Authority was a proper defendant under 42 U.S.C. § 1983.
5. Whether dismissal should be with or without prejudice.

HOLDINGS

1. A § 1983 complaint must allege facts showing each defendant's personal participation in the alleged constitutional violation; vague, conclusory, and collective allegations are insufficient. Hagy's complaint failed to identify what any individual defendant did or failed to do and therefore did not state a plausible claim against the individual defendants.
2. The complaint did not plausibly allege a Free Exercise Clause violation because it did not plead facts showing that the torn Bible substantially burdened a sincerely held religious belief or substantially interfered with religious exercise.
3. The alleged unauthorized intentional destruction of Hagy's property did not state a procedural due process claim because Virginia provides an adequate postdeprivation remedy and Hagy did not allege facts showing that predeprivation process was required or that the available remedies were inadequate.
4. The Southwest Virginia Regional Jail Authority was not a viable § 1983 defendant because a jail is not a person for purposes of § 1983.

KEY QUOTATIONS

“To survive a 12(b)(6) motion, “a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.””

“A pro se plaintiff still must allege facts that state a cause of action.”

“Without factual allegations linking each Defendant to the alleged constitutional violations, Hagy has not stated a plausible claim for relief against any Defendant.”

“Because Hagy does not allege that the torn pages of his Bible substantially interfere with a sincerely held religious belief, he has failed to state a plausible Free Exercise claim.”

“A jail is not a “person” for purposes of § 1983.”

FACTUAL BACKGROUND

Hagy, a Virginia inmate, was incarcerated at the Southwest Virginia Regional Jail Authority during the relevant events. He alleged that after a cell search his legal papers were scattered under his bunk and his large-print Life Recovery Bible was torn on numerous pages. He stated that he could not continue to practice his religion, but alleged no facts identifying which defendant conducted the search or damaged the property, the extent of the Bible's damage, or the denial of replacement religious materials or services.

PROCEDURAL HISTORY

Hagy filed a § 1983 complaint alleging that, following a cell search, his legal papers were scattered and his Bible was torn. Several defendants moved to dismiss for failure to state a claim. The court denied Hagy's motions to stay and for discovery, granted the motions to dismiss, dismissed the claims against the Authority with prejudice, dismissed the claims against the individual defendants without prejudice, and allowed Hagy 30 days to amend.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 677-78 (2009)
- Booker v. S.C. Dep't of Corr., 855 F.3d 533, 540 (4th Cir. 2017)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Smith v. Smith, 589 F.3d 736, 738 (4th Cir. 2009)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1278 (4th Cir. 1985)
- Scarborough v. Frederick Cnty. Sch. Bd., 517 F. Supp. 3d 569, 575 (W.D. Va. 2021)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Crosby v. City of Gastonia, 635 F.3d 634, 639 (4th Cir. 2011)
- Jones v. Solomon, 90 F.4th 198, 209 (4th Cir. 2024)
- Vinnedge v. Gibbs, 550 F.2d 926, 928 (4th Cir. 1977)
- Adams v. Rice, 40 F.3d 72, 74-75 (4th Cir. 1994)
- McLin v. VA Dep't of Corr., No. 7:19cv00247, 2020 WL 448260, at *2 (W.D. Va. Jan. 28, 2020)
- Langford v. Joyner, 62 F.4th 122, 125 (4th Cir. 2023)
- O'Lone v. Est. of Shabazz, 482 U.S. 342, 349 (1987)
- Hernandez v. Comm'r, 490 U.S. 680, 699 (1989)
- Lovelace v. Lee, 472 F.3d 174, 187 (4th Cir. 2006)

- Duran v. Longoria, No. 1:20-CV-00289-HBK (PC), 2025 WL 859893, at *6 (E.D. Cal. Mar. 19, 2025)
- Hudson v. Palmer, 468 U.S. 517, 533-35 (1984)
- Warren v. Smith, No. 88-7172, 1988 WL 142995, at *1 (4th Cir. Nov. 17, 1988)
- Brooks v. Muncy, No. 88-7761, 1989 WL 14627, at *1 (4th Cir. Feb. 17, 1989)
- Perdue v. Penalosa, No. 93-6313, 1994 WL 559140, at *1 (4th Cir. Oct. 13, 1994)
- Hess v. SWVRJ-Haysi Facility, No. 7:25-CV-00576, 2026 WL 27288, at *2 (W.D. Va. Jan. 5, 2026)
- Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 1975)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-western-district-of-vir/2026/andrew-mark-hagy-v-lt-emily-carver-et-al-bcgfjegn>