

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, RICHMOND DIVISION

Elham Orami v. Henrico County Police Division, et al.

Orami · No. 3:25cv569 (RCY) · Decided March 24, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia granted the Henrico County Police Department's post-removal motion to dismiss. The court held that the police department is not a separate legal entity from Henrico County and lacks capacity to be sued under Virginia law, while noting that claims against properly served individual defendants could proceed.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Richmond Division
WRITING FOR THE COURT	Roderick C. Young
JURISDICTION	United States District Court for the Eastern District of Virginia
DECIDED	March 24, 2026
DOCKET	3:25cv569 (RCY)
DISPOSITION	other
PROCEDURAL POSTURE	After removal from Virginia state court, Henrico County Police Division moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the claims against it on the ground that it lacks capacity to be sued.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, views the facts and reasonable inferences in the plaintiff's favor, and asks whether the complaint contains sufficient factual matter to state a facially plausible claim. Legal conclusions, labels, formulaic recitations, naked assertions, and unreasonable inferences need not be accepted.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- motions to dismiss
- municipal liability
- government liability
- civil rights
- civil procedure

PRACTICE AREAS

civil rights

municipal law

civil procedure

QUESTIONS PRESENTED

1. Whether the Henrico County Police Division has capacity under Virginia law to be sued separately from Henrico County.
2. Whether the claims against the Henrico County Police Division should be dismissed under Federal Rule of Civil Procedure 12(b)(6).

HOLDINGS

1. The Henrico County Police Division is an operating division of a governmental entity and lacks capacity to be sued separately from Henrico County because Virginia law does not vest it with independent suability.
2. Dismissal of all claims against the Henrico County Police Division was proper because the Division is not a suable legal entity.

KEY QUOTATIONS

“The Court agrees that HCPD is an entity that cannot be sued separately from Henrico County; therefore, all claims against HCPD will be dismissed.” (IV)

“Provided Plaintiff can demonstrate proper service with respect to the individual Defendants named in the Complaint and/or that good cause exists for an extension of the time to serve them, the matter will proceed accordingly with respect to her remaining claims.” (V)

FACTUAL BACKGROUND

Plaintiff alleged that Henrico County police officers dismissed her reports of domestic abuse, mishandled evidence, detained and questioned her during medical treatment after an alleged assault, and pursued charges against her based substantially on her former husband's account. She claimed that these events caused physical injury, psychological trauma, loss of housing, and reputational harm. The claims at issue included federal civil-rights claims and Virginia-law claims against the Henrico County Police Division and individual officers.

PROCEDURAL HISTORY

Plaintiff commenced the action in the Circuit Court for Henrico County on April 29, 2025. Henrico County Police Division removed the action to the Eastern District of Virginia on July 23, 2025, and moved to dismiss the same day. The court granted the motion as to the Police Division, which was dismissed from the action, while allowing the action to proceed against the individual defendants if service or good cause for an extension could be established.

DISPOSITION

other

CASES CITED

- Megaro v. McCollum, 66 F.4th 151, 157 (4th Cir. 2023)
- Republican Party of N.C. v. Martin, 980 F.2d 943, 952 (4th Cir. 1992)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Conley v. Gibson, 355 U.S. 41, 47 (1957)
- Mylan Labs., Inc. v. Matkari, 7 F.3d 1130, 1134 (4th Cir. 1993)
- Martin, 980 F.2d at 952
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Philips v. Pitt Cnty. Mem'l Hosp., 572 F.3d 176, 180 (4th Cir. 2009)
- Mukuna v. Gibson, 2011 U.S. Dist. LEXIS 95408, at *5 n.2 (E.D. Va. Aug. 25, 2011)
- Guerrero v. Deane, 2010 U.S. Dist. LEXIS 14468, at *17 (E.D. Va. Feb. 19, 2010)
- Shumate v. City of Martinsville, 2016 Va. Unpub. LEXIS 21, at *2 n.2 (Sept. 22, 2016)
- Lucas v. Henrico Pub. Sch. Bd., 2019 U.S. Dist. LEXIS 193385, at **7–8 (E.D. Va. Nov. 6, 2019)
- Harrison v. Prince William Cnty. Police Dep't, 640 F. Supp. 2d 688, 711 (E.D. Va. 2009)
- Muniz v. Fairfax Cnty. Police Dep't, 2005 U.S. Dist. LEXIS 48176, at *2 (E.D. Va. Aug. 2, 2005)
- Hearn v. Hudson, 549 F. Supp. 949, 952 n.1 (W.D. Va. 1982)