

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA

Lloyd Downing v. Virginia Department of Corrections, et al.

Downing · No. 7:24-cv-00240 · Decided January 6, 2026

SUMMARY

The United States District Court for the Western District of Virginia grants Defendants’ Rule 12(b)(6) motion to dismiss Lloyd Downing’s 42 U.S.C. § 1983 action. The court holds that the Virginia Department of Corrections is immune from damages claims, while the claims against the individual defendants fail because visitation and telephone privileges are not protected liberty interests and Downing did not adequately plead actual injury or causation for his access-to-courts and retaliation claims. The court also dismisses the request for injunctive relief as moot following Downing’s transfer from the facility.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia
WRITING FOR THE COURT	Robert S. Ballou
JURISDICTION	United States District Court for the Western District of Virginia
DECIDED	January 6, 2026
DOCKET	7:24-cv-00240
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff, a Virginia inmate proceeding pro se, brought a 42 U.S.C. § 1983 action alleging retaliation, denial of access to the courts, and due process violations arising from suspension of visitation and telephone privileges. Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	De novo review of the sufficiency of the complaint under Federal Rule of Civil Procedure 12(b)(6), accepting well-pleaded factual allegations as true and construing a pro se complaint liberally. The complaint must contain sufficient factual matter to state a plausible claim for relief.
PRECEDENTIAL VALUE	Unknown; district court memorandum opinion with no reporter citation or stated precedential status.

PARTIES

Lloyd Downing v. Virginia Department of Corrections, Samuel Caughron, III, W.R. Hensley

TOPICS

section 1983 prisoners rights motions to dismiss procedural due process first amendment

PRACTICE AREAS

civil rights prisoner civil rights constitutional law civil procedure remedies

QUESTIONS PRESENTED

1. Whether the Virginia Department of Corrections is subject to damages liability under 42 U.S.C. § 1983.
2. Whether Downing plausibly alleged personal involvement by Caughron and Hensley.
3. Whether temporary suspension of prison visitation and telephone privileges implicated a protected liberty or property interest under the Due Process Clause.
4. Whether the alleged lack of a law library or legal clerk, together with the suspension of visitation and telephone privileges, caused an actual injury sufficient to state an access-to-the-courts claim.
5. Whether Downing plausibly alleged the protected activity, adverse action, and causation necessary for a First Amendment retaliation claim.

HOLDINGS

1. The Virginia Department of Corrections, as an arm of the Commonwealth of Virginia, is immune from a damages action in federal court and is not a person subject to suit under § 1983.
2. Downing plausibly alleged personal involvement by Caughron and Hensley because he identified them as the officials responsible for taking his visitation privileges and they received notice of the claims.
3. Downing failed to state a due process claim because he had no constitutionally protected liberty interest in visitation or telephone privileges, and the discretionary prison policies did not create an enforceable objective expectation or impose an atypical and significant hardship.
4. Downing failed to state an access-to-the-courts claim because he did not allege facts showing that the defendants personally caused the alleged lack of library or legal-clerk access or that the alleged shortcomings caused actual injury to a nonfrivolous legal claim.
5. Downing failed to state a retaliation claim because he did not plausibly allege engagement in protected First Amendment activity during the relevant period, more than de minimis adverse impact on that activity, or a causal connection between protected activity and the defendants' conduct.

KEY QUOTATIONS

“The denial of prison access to a particular visitor ‘is well within the terms of confinement ordinarily contemplated by a prison sentence,’ and therefore is not independently protected by the Due Process Clause.”
(Discussion, Part II.A)

“The right of access does not require the State to aid prisoners in effective litigation.” (Discussion, Part II.B)

FACTUAL BACKGROUND

Downing was incarcerated at Wallens Ridge Correctional Facility when Samuel Caughron and W.R. Hensley suspended his visitation and, according to the court's favorable construction of the pleadings, telephone privileges for up to six months. The suspension was allegedly based on an erroneous disciplinary incident report and was later acknowledged by Caughron to have been made in error, although Downing's grievance was rejected as untimely. Downing claimed that the suspension violated due process, denied him access to the courts, and was retaliatory, but he did not identify a pending habeas action during the suspension or allege facts showing how the restrictions impeded a nonfrivolous legal claim. He had also been transferred from Wallens Ridge by the time of the opinion.

PROCEDURAL HISTORY

Downing initially filed a complaint and then moved to amend after defendants filed an earlier motion to dismiss. The court granted leave to amend and denied the first motion without prejudice. In deciding the renewed motion to dismiss, the court construed the original complaint, verified statement, and amended complaint together and granted defendants' Rule 12(b)(6) motion.

DISPOSITION

dismissed

CASES CITED

- *Occupy Columbia v. Haley*, 738 F.3d 107, 116
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 557, 570
- *Laber v. Harvey*, 438 F.3d 404, 413 n.3
- *Erickson v. Pardus*, 551 U.S. 89, 93-94
- *Smith v. Smith*, 589 F.3d 736, 738
- *Beaudett v. City of Hampton*, 775 F.2d 1274, 1278
- *Scarborough v. Frederick County School Board*, 517 F. Supp. 3d 569, 575
- *Goodman v. Diggs*, 986 F.3d 493, 498
- *Young v. City of Mount Ranier*, 238 F.3d 567, 573
- *Holley v. Combs*, 134 F.4th 142, 144
- *Goines v. Valley Community Services Board*, 822 F.3d 159, 166
- *Pendleton v. Jividen*, 96 F.4th 652, 656
- *Rendelman v. Rouse*, 569 F.3d 182, 186
- *Crosby v. City of Gastonia*, 635 F.3d 634, 639
- *West v. Atkins*, 487 U.S. 42, 48

- *Hans v. Louisiana*, 134 U.S. 1
- *Biggs v. North Carolina Department of Public Safety*, 953 F.3d 236, 241
- *Passaro v. Virginia*, 935 F.3d 243, 247
- *Will v. Michigan Department of State Police*, 491 U.S. 58, 71
- *Johnson v. McCowan*, 549 F. Supp. 3d 469, 475
- *Wright v. Collins*, 766 F.2d 841, 850
- *Anderson v. Clarke*, No. 7:23-CV-00618, 2024 WL 4173807, at *5
- *Prieto v. Clarke*, 780 F.3d 245, 248-49
- *Wilkinson v. Austin*, 545 U.S. 209, 214, 221
- *Kentucky Department of Corrections v. Thompson*, 490 U.S. 454, 461, 464-65
- *Diggs v. Johnson*, No. 7:24-CV-00361, 2024 WL 4681622, at *3
- *Desper v. Clarke*, 1 F.4th 236, 247
- *Sandin v. Conner*, 515 U.S. 472, 484
- *Incumaa v. Stirling*, 791 F.3d 517, 530
- *Bill Johnson's Restaurants, Inc. v. NLRB*, 461 U.S. 731, 741
- *Wolff v. McDonnell*, 418 U.S. 539, 579
- *Bounds v. Smith*, 430 U.S. 817, 822
- *Lewis v. Casey*, 518 U.S. 343, 351-56
- *Cochran v. Morris*, 73 F.3d 1310, 1317
- *Broggin v. BRRJA*, No. 7:21-CV-00180, 2022 WL 875040, at *12
- *Christopher v. Harbury*, 536 U.S. 403, 415
- *Counts v. Newhart*, 951 F. Supp. 579, 588-89
- *Younger v. Gilmore*, 404 U.S. 15
- *Alexander v. Ely*, No. 7:20CV00766, 2022 WL 15524969, at *3
- *Jones v. Solomon*, 90 F.4th 198, 213-14
- *American Civil Liberties Union of Maryland, Inc. v. Wicomico County*, 999 F.2d 780, 785
- *Martin v. Duffy*, 858 F.3d 239, 249
- *Booker v. South Carolina Department of Corrections*, 855 F.3d 533, 544
- *Constantine v. Rectors & Visitors of George Mason University*, 411 F.3d 474, 499-500
- *Booker v. South Carolina Department of Corrections*, 583 F. App'x 43, 44
- *Warren v. Clasp*, No. 1:22CV489, 2023 WL 1864871, at *5
- *Ridpath v. Board of Governors Marshall University*, 447 F.3d 292, 318
- *Gowen v. Winfield*, 130 F.4th 162, 174