

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA

Robert McKinley Blankenship v. Jim Terry Shortt

Blankenship · No. 7:25CV00477 · Decided December 30, 2025

SUMMARY

The United States District Court for the Western District of Virginia denied Robert McKinley Blankenship’s motion to reinstate and amend his dismissed 42 U.S.C. § 1983 action. The court held that relief from the final judgment was not warranted and that amendment was unavailable or futile because the claims against his court-appointed attorney failed to state a claim and proposed claims against prosecutors would be barred by prosecutorial immunity.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia
WRITING FOR THE COURT	James P. Jones
JURISDICTION	United States District Court for the Western District of Virginia
DECIDED	December 30, 2025
DOCKET	7:25CV00477
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff moved under Federal Rules of Civil Procedure 60(b) and 15(a) to reinstate and amend a previously dismissed 42 U.S.C. § 1983 action. The district court denied the motion.
STANDARD OF REVIEW	Relief from a final judgment under Federal Rule of Civil Procedure 60(b) requires extraordinary circumstances. Post-judgment amendment under Rule 15(a) is not available while the final judgment remains in place; if the judgment is vacated, amendment is evaluated for prejudice, bad faith, or futility. An amendment is futile if the proposed claim would not survive a Rule 12(b)(6) motion to dismiss.
PRECEDENTIAL VALUE	Unpublished district court opinion; generally nonprecedential and persuasive only.
PARTIES	Robert McKinley Blankenship v. Jim Terry Shortt

TOPICS

motion to amend

motion for reconsideration

section 1983

government liability

civil procedure

PRACTICE AREAS

civil rights

civil procedure

prisoner litigation

post-judgment motions

QUESTIONS PRESENTED

1. Whether the court should grant relief from the prior dismissal under Federal Rule of Civil Procedure 60(b) and reinstate the action.
2. Whether Blankenship could amend his complaint under Federal Rule of Civil Procedure 15(a) after final judgment without first obtaining relief from that judgment.
3. Whether the proposed amendment would be futile because claims against the court-appointed attorney failed to state a § 1983 claim and claims against prosecutors were barred by prosecutorial immunity.

HOLDINGS

1. The action could not be reinstated because Blankenship did not show the extraordinary circumstances necessary for relief from the prior Final Order under Rule 60(b), and the prior dismissal without prejudice was appropriate.
2. Rule 15(a)'s ordinary standard for granting leave to amend does not govern when, following final judgment, the case is closed and there is no pending pleading to amend; the plaintiff must first succeed in vacating the final judgment.
3. Amendment to maintain claims against Shortt would be futile because the allegations against him had already been determined to fail to state a claim on which relief could be granted under § 1915(e)(2)(B) (ii).
4. Adding the Commonwealth, prosecutors Brandon Goings and Dennis Lee, and the unnamed individual involved in the alleged indictment would be futile because the proposed claims concerned prosecutorial functions related to judicial proceedings and the proposed defendants would be immune from suit under § 1983.

KEY QUOTATIONS

“does not govern when, following a final judgment, the case is closed and there is no pending pleading to amend.” (213-14)

“in initiating a prosecution and in presenting the State’s case” (431)

FACTUAL BACKGROUND

Blankenship, a Virginia inmate, alleged that Jim Terry Shortt, his court-appointed criminal defense attorney, violated his rights during criminal proceedings. In his post-judgment motion, Blankenship also sought to add the Commonwealth, prosecutors Brandon Goings and Dennis Lee, and an unnamed person allegedly involved in preparing a fraudulent indictment. The proposed claims concerned alleged misrepresentations about a nolle prosequi, allegedly fabricated charges, and efforts to force a plea agreement.

PROCEDURAL HISTORY

Blankenship, a Virginia inmate proceeding pro se, filed a § 1983 action against his court-appointed criminal defense attorney. The court dismissed the action without prejudice by Final Order entered November 10, 2025, concluding that § 1983 was not the proper vehicle for the relief sought and that habeas corpus relief might be available. Blankenship then moved to reinstate and amend the lawsuit, and the court denied that motion.

DISPOSITION

dismissed

CASES CITED

- BLOM Bank SAL v. Honickman, 605 U.S. 204, 213-14 (2025)
- Daulatzai v. Maryland, 97 F.4th 166, 176-77 (4th Cir. 2024)
- Katyle v. Penn National Gaming, Inc., 637 F.3d 462, 471 (4th Cir. 2011)
- Imbler v. Pachtman, 424 U.S. 409, 431 (1976)

OPINION

CLERK'S OFFICE U.S. DIST. COU. IN THE UNITED STATES DISTRICT COURT AT HARRISONBURG, VA FOR THE WESTERN DISTRICT OF VIRGINIA December 30, 2025
ROANOKE DIVISION LAURA A. AUSTIN, CLERK BY: s/J.Vasquez DEPUTY CLERK
ROBERT MCKINLEY BLANKENSHIP, _) Plaintiff,) Case No. 7:25CV00477) v.) OPINION
AND ORDER) JIM TERRY SHORTT,) JUDGE JAMES P. JONES) Defendant.)) Robert
Mckinley Blankenship, Pro Se Plaintiff.

The plaintiff, a Virginia inmate proceeding pro se, filed a civil rights action under 42 U.S.C. § 1983, claiming that the defendant, a private lawyer who represented him in criminal proceedings, violated his rights. By Final Order entered November 10, 2025, Dtk. No. 9, I dismissed the action, noting that because a § 1983 complaint is not the appropriate vehicle for obtaining the relief requested, Blankenship may file an action for habeas corpus relief.

Now pending is Blankenship's "Motion to Reinstate and Amend Lawsuit." Upon review, I conclude that the motion must be denied. First, Blankenship's lawsuit will not be reinstated for the reasons previously stated. As I have explained, because Blankenship improperly named his court-appointed attorney as a defendant in a § 1983 action, dismissal without prejudice is appropriate and relief from the Final Order is not permissible under Federal Rule of Civil Procedure 60(b) where extraordinary circumstances were not shown.

It follows that Blankenship cannot be granted leave to amend his previously filed Complaint. Under Federal Rule of Civil Procedure 15(a), it is within the court's discretion to grant leave to amend a pleading when justice so requires.

In the post-judgment context, however, the Supreme Court has recently clarified that the Rule 15 standard for amendments “does not govern when, following a final judgment, the case is closed and there is no pending pleading to amend.” *BLOM Bank SAL v. Honickman*, 605 U.S. 204, 213–14 (2025); see also *Daulatzai v. Maryland*, 97 F.4th 166, 176 (4th Cir. 2024) (“It is well established, and indeed logical, that before the district court could consider [a] motion for leave to file an amended complaint, [a plaintiff] would have to succeed in vacating the final judgment that had been entered....”).

Even if I could grant Blankenship leave to amend at this stage, such an amendment would be futile in consideration of the allegations in Blankenship’s pending motion. See *Id.* at 177 (if a judgment is vacated, a post-judgment motion to amend should be evaluated “‘under the same legal standard as a similar motion filed before judgment was entered — for prejudice, bad faith, or futility’”) (quoting *Katyle v. Penn Nat’l Gaming, Inc.*, 637 F.3d 462, 471 (4th Cir.

2011)). A proposed amendment is futile if the claim would not survive a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *Id.* In the present motion, Blankenship maintains allegations regarding conduct by his court-appointed attorney, Shortt.

However, I have already determined that such assertions fail to state a claim on which relief can be granted under 28 U.S.C. § 1915(e)(2)(B)(ii). Therefore, to the extent Blankenship seeks to amend the Complaint to maintain allegations against Shortt, such amendment would be futile. Blankenship further requests that the Complaint be amended to include the prosecuting attorneys, Brandon Goings and Dennis Lee, as well as an unnamed individual who prepared a “fraudulent bill of indictment” in his underlying criminal proceedings.

Mot. 1, Dkt. No. 15. He insists that the Commonwealth, prosecutor, and assistant prosecutor “did act under color of law by fraudulently misrepresenting the Nolle Prosequi of the warrant,” and “acted in conspiracy, under scheme of fraud, with attorney Jim Terry Shortt” by “indicting three charges that were never made” and “attempting to force a plea agreement.” *Id.* 1–3.

However, the addition of these parties and the claims against them would not survive dismissal because such parties would be immune from suit under § 1983 based on their performance of prosecutorial functions related to court proceedings. *Imbler v. Pachtman*, 424 U.S. 409, 431 (1976) (holding that prosecutorial immunity extends to actions “in initiating a prosecution and in presenting the State’s case”).

Accordingly, for the reasons stated, it is ORDERED that Blankenship’s Motion to Reinstate and Amend Lawsuit, Dkt. No. 15, is DENIED. ENTER: December 30, 2025 /s/ JAMES P. JONES
Senior United States District Judge

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