

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Benjamin Forrest Carter v. Beth Cabell, et al.

Carter v. Cabell · No. Nos. 24-6706 and 24-6741 · Decided August 4, 2026

SUMMARY

The United States Court of Appeals for the Fourth Circuit vacated and remanded the dismissal of Benjamin Carter’s 42 U.S.C. § 1983 claims concerning prison conditions and alleged retaliation. The court held that Carter’s First Amendment retaliation claims were exhausted because they were first raised in an amended complaint filed after exhaustion, while the exhaustion and availability of administrative remedies for his Eighth Amendment claims required further consideration by the district court. The court also held that the district court erred in concluding that certain Eighth and First Amendment claims were not cognizable.

CASE DETAILS

COURT	United States Court of Appeals for the Fourth Circuit
WRITING FOR THE COURT	Pamela Harris; Paul V. Niemeyer; J. Harvie Wilkinson III
JURISDICTION	Federal
DECIDED	August 4, 2026
DOCKET	Nos. 24-6706 and 24-6741
DISPOSITION	vacated_and_remanded
PROCEDURAL POSTURE	Appeal from the Eastern District of Virginia's grant of summary judgment to prison-official defendants on PLRA exhaustion grounds and alternative dismissals for failure to state claims under 28 U.S.C. § 1915A and Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	Summary judgment is reviewed de novo. Dismissals for failure to state a claim under 28 U.S.C. § 1915A and Rule 12(b)(6) are also reviewed de novo, accepting the complaint's allegations as true, drawing reasonable inferences for the plaintiff, and liberally construing a pro se complaint.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Benjamin Forrest Carter v. Beth Cabell, Kevin McCoy, Joshua Branch, John Does, Commonwealth of Virginia

TOPICS

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section 1983

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the PLRA exhaustion analysis for First Amendment claims first asserted in an amended complaint is controlled by the filing date of the original complaint or the amended complaint.
2. Whether the record permitted the court to decide whether administrative remedies for Carter's Eighth Amendment claims were genuinely available under *Ross v. Blake*.
3. Whether Carter plausibly alleged supervisory liability under § 1983 against VDOC Director Harold Clarke.
4. Whether Carter plausibly alleged First Amendment retaliation claims against Kevin McCoy and Beth Cabell.

HOLDINGS

1. When a prisoner files an original complaint before exhausting administrative remedies but later files an amended complaint asserting a new claim for the first time after completing exhaustion of that claim, the filing date of the amended complaint controls the PLRA exhaustion analysis for the newly asserted claim.
2. The court could not determine on the existing record whether the VDOC grievance process was genuinely available to Carter; the Eighth Amendment exhaustion issue must be considered by the district court in the first instance.
3. A plaintiff alleging supervisory liability need not show that the supervisor knew of the plaintiff's particular incarceration or personally observed the plaintiff's specific conditions; knowledge that a subordinate's conduct posed a pervasive and unreasonable risk of constitutional injury to prisoners like the plaintiff may satisfy the knowledge element.
4. Carter plausibly alleged First Amendment retaliation claims against McCoy and Cabell where his complaint alleged that Branch said those officials opposed Carter's transfer because Carter had complained about them.

KEY QUOTATIONS

"We hold only that Carter's First Amendment claim, because it was not raised in court until after it was exhausted, may proceed consistent with § 1997e(a) of the PLRA." (18)

"Carter was not required to show that Clarke was monitoring his incarceration, in particular, and was aware that he, specifically, was subject to unconstitutional conditions." (22-23)

"But particularly in light of the liberal construction we must give Carter's amended complaint, which was filed pro se, those allegations are sufficient to withstand a motion to dismiss under Rule 12(b)(6)." (25)

FACTUAL BACKGROUND

Benjamin Carter was incarcerated in the Restrictive Housing Unit at Sussex State Prison and alleged that the conditions of confinement were analogous to conditions previously found unconstitutional and were especially harmful because of his serious mental illnesses. He submitted informal complaints and grievances seeking reclassification and transfer out of the unit and concerning the conditions of confinement. After he complained, prison official Joshua Branch allegedly threatened that Carter would not receive reentry programming and stated that wardens Kevin McCoy and Beth Cabell were also refusing the transfer because Carter had complained about them. Carter completed the grievance process before filing his amended complaint, which first asserted the retaliation claims, but had not completed it when he filed his original complaint asserting the conditions claims.

PROCEDURAL HISTORY

Carter, proceeding pro se and incarcerated, filed an initial § 1983 complaint alleging unconstitutional Eighth Amendment conditions of confinement before completing the Virginia Department of Corrections grievance process. After the relevant grievance appeals were finalized, he filed an amended complaint reasserting the Eighth Amendment claims and adding First Amendment retaliation claims. The district court dismissed Carter's claims for failure to exhaust, dismissed the Eighth Amendment supervisory-liability claim against Harold Clarke, and dismissed the First Amendment claims against Kevin McCoy and Beth Cabell while allowing the claim against Joshua Branch to proceed. The Fourth Circuit vacated and remanded.

DISPOSITION

vacated_and_remanded

REMAND INSTRUCTIONS

Vacate the grant of summary judgment on exhaustion grounds and determine in the first instance whether administrative remedies for Carter's Eighth Amendment claims were available under *Ross v. Blake*, including through appropriate discovery and development of the record. If the Eighth Amendment claims are deemed exhausted because remedies were unavailable, reconsider the supervisory-liability claim against Clarke under the correct legal standard and address other issues as appropriate. The First Amendment claims against McCoy and Cabell may proceed past the pleading stage.

CASES CITED

- *Ross v. Blake*, 578 U.S. 632 (2016)
- *Porter v. Clarke*, 923 F.3d 348 (4th Cir. 2019)
- *Carter v. Cabell*, 2024 WL 1356670 (E.D. Va. Mar. 29, 2024)
- *Hardin v. Hunt*, 2023 WL 3969989 (4th Cir. June 13, 2023)
- *Jones v. Bock*, 549 U.S. 199 (2007)
- *United States v. Sineneng-Smith*, 590 U.S. 371 (2020)
- *Feldman v. Law Enforcement Associates Corp.*, 752 F.3d 339 (4th Cir. 2014)
- *Saddozai v. Davis*, 35 F.4th 705 (9th Cir. 2022)

- Garrett v. Wexford Health, 938 F.3d 69 (3d Cir. 2019)
- Barnes v. Briley, 420 F.3d 673 (7th Cir. 2005)
- Chambers v. Sood, 956 F.3d 979 (7th Cir. 2020)
- Mattox v. Edelman, 851 F.3d 583 (6th Cir. 2017)
- May v. Segovia, 929 F.3d 1223 (10th Cir. 2019)
- Jackson v. Fong, 870 F.3d 928 (9th Cir. 2017)
- Woodford v. Ngo, 548 U.S. 81 (2006)
- Gowen v. Winfield, 130 F.4th 162 (4th Cir. 2025)
- Griffin v. Bryant, 56 F.4th 328 (4th Cir. 2022)
- Doe v. N.C. State Univ., 125 F.4th 498 (4th Cir. 2025)
- Jehovah v. Clarke, 798 F.3d 169 (4th Cir. 2015)
- Shaw v. Stroud, 13 F.3d 791 (4th Cir. 1994)