

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA

Lukeen Gerald v. Captain Bowls, et al.

Gerald · No. 7:24-cv-00709 · Decided January 30, 2026

SUMMARY

The United States District Court for the Western District of Virginia granted federal prison officials’ motion to dismiss an incarcerated plaintiff’s Bivens claims alleging excessive force during a seizure. The court held that the plaintiff’s Eighth Amendment excessive-force claims presented a new Bivens context and were not cognizable in light of Supreme Court precedent. The action was dismissed in its entirety under Federal Rule of Civil Procedure 12(b)(6).

CASE DETAILS

COURT	United States District Court for the Western District of Virginia
WRITING FOR THE COURT	Thomas T. Cullen
JURISDICTION	United States District Court for the Western District of Virginia, Roanoke Division
DECIDED	January 30, 2026
DOCKET	7:24-cv-00709
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff, a federal prisoner proceeding pro se, brought a Bivens action for damages against federal prison employees alleging excessive force. Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6) or, alternatively, for summary judgment under Rule 56. The court resolved the motion under Rule 12(b)(6) and dismissed the claims.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court evaluates the sufficiency of the complaint, accepts well-pleaded factual allegations as true, draws reasonable inferences in the plaintiff's favor, and determines whether the complaint states a plausible claim for relief. Documents attached to or incorporated into the complaint may also be considered.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion
PARTIES	Lukeen Gerald v. Captain Bowls, S. Bowman, S. Scott, Nurse Scott

TOPICS

motions to dismiss

civil procedure

prisoners rights

cruel and unusual punishment

damages

PRACTICE AREAS

civil procedure

constitutional law

civil rights

prisoner litigation

remedies

QUESTIONS PRESENTED

1. Whether Gerald's allegations of excessive force by federal corrections employees stated a cognizable damages claim under Bivens.
2. Whether the claims should be dismissed under Rule 12(b)(6) because the Supreme Court has not recognized, and has foreclosed recognizing, a Bivens remedy for an Eighth Amendment excessive-force claim brought by a federal prisoner.
3. Whether the court should convert defendants' Rule 12(b)(6) motion into a Rule 56 summary-judgment motion based on materials outside the pleadings concerning administrative exhaustion.

HOLDINGS

1. A federal prisoner's claim for damages alleging excessive force by federal corrections officers under the Eighth Amendment presents a new Bivens context, and special factors—including congressional action concerning prisoner litigation, the systemic consequences of judicially extending Bivens, and the availability of an alternative remedial structure—foreclose recognizing a Bivens remedy.
2. The court was not required to convert defendants' Rule 12(b)(6) motion into a Rule 56 motion because it resolved the case under Rule 12(b)(6) without relying on defendants' materials concerning exhaustion.

KEY QUOTATIONS

“To survive such a motion, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” (at 2)

“The Supreme Court has never recognized a Bivens remedy for excessive-force claims brought under the Eighth Amendment.” (at 3)

“Consequently, Plaintiff has no cause of action for damages against Defendants based on their alleged use of unconstitutional force against him” (at 4)

FACTUAL BACKGROUND

Gerald, a federal prisoner incarcerated at USP Lee, alleged that he suffered a seizure on or around October 1, 2023. He claimed that Captain Bowls and nursing staff assaulted him while he was seizing and handcuffed, including by choking him, pulling his hair, scratching him with cuffs, holding him down, and punching him in the stomach and face. He sought damages from employees of the Federal Bureau of Prisons under Bivens.

PROCEDURAL HISTORY

Gerald filed the action after an alleged October 1, 2023 seizure and use of force at USP Lee. Defendants moved to dismiss or for summary judgment, arguing failure to exhaust administrative remedies and lack of a cognizable Bivens remedy. Although defendants submitted materials outside the pleadings concerning exhaustion, the court declined to rely on those materials and dismissed under Rule 12(b)(6) because the alleged Eighth Amendment excessive-force claims were not cognizable under Bivens.

DISPOSITION

dismissed

CASES CITED

- Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971)
- Goldey v. Fields, 606 U.S. 942 (2025)
- Egbert v. Boule, 596 U.S. 482 (2022)
- Occupy Columbia v. Haley, 738 F.3d 107 (4th Cir. 2013)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)
- E.I. du Pont de Nemours & Co. v. Kolon Industries, Inc., 637 F.3d 435 (4th Cir. 2011)
- Hall v. DIRECTV, LLC, 846 F.3d 757 (4th Cir. 2017)
- Turner v. Safley, 482 U.S. 78 (1987)
- Fraley v. Davis, No. 21-6641, 2022 WL 3210702 (4th Cir. Aug. 9, 2022)
- Kingsley v. Hendrickson, 576 U.S. 389 (2015)