

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
VIRGINIA, ROANOKE DIVISION

Jacob Zeno v. Johnny Hall, et al.

Zeno v. Hall · No. 7:24-cv-00573 · Decided March 19, 2026

SUMMARY

The United States District Court for the Western District of Virginia granted correctional officials’ Rule 12(b)(6) motion to dismiss Jacob Zeno’s § 1983 claims arising from an inmate attack at Red Onion State Prison. The court held that the amended complaint did not plausibly allege deliberate indifference, failure to intervene, or supervisory liability under the Eighth Amendment, and dismissed the official-capacity claims. The court declined supplemental jurisdiction over the state-law claims, dismissed them without prejudice, and granted Zeno 30 days to file a second amended complaint.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Roanoke Division
WRITING FOR THE COURT	Michael F. Urbanski
JURISDICTION	United States District Court for the Western District of Virginia, Roanoke Division
DECIDED	March 19, 2026
DOCKET	7:24-cv-00573
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to dismiss the amended complaint under Federal Rule of Civil Procedure 12(b)(6). The plaintiff did not respond. The court granted dismissal of the federal constitutional claims without prejudice and declined supplemental jurisdiction over the state-law claims.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and asks whether the complaint contains sufficient factual matter to state a claim that is plausible on its face. Pro se pleadings are construed liberally but must still allege facts raising the right to relief above the speculative level.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; persuasive authority only

TOPICS

prisoners rights

section 1983

cruel and unusual punishment

motions to dismiss

PRACTICE AREAS

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prisoner civil rights

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QUESTIONS PRESENTED

1. Whether the amended complaint stated an Eighth Amendment failure-to-protect or failure-to-intervene claim under 42 U.S.C. § 1983 against the defendants in their individual capacities.
2. Whether the defendants could be held liable under § 1983 in their official capacities for damages or prospective equitable relief.
3. Whether the complaint stated a claim for supervisory liability under § 1983.
4. Whether the court should exercise supplemental jurisdiction over the state-law claims after dismissing all federal claims.

HOLDINGS

1. The official-capacity § 1983 claims must be dismissed because an official-capacity suit is treated as a suit against the State, and the complaint did not allege an ongoing violation supporting prospective relief under the *Ex parte Young* exception.
2. The amended complaint failed to state an Eighth Amendment claim against any defendant for failure to protect Zeno from the inmate attack.
3. The amended complaint failed to state a claim based on the defendants' alleged failure to intervene in the attack.
4. The supervisory-liability claims must be dismissed because the complaint alleged no underlying constitutional violation and did not satisfy the Fourth Circuit's requirements for supervisory liability.
5. The court declined to exercise supplemental jurisdiction over the state-law claims after dismissing all claims over which it had original jurisdiction, and dismissed the state-law claims without prejudice.

KEY QUOTATIONS

“To state a claim under § 1983, a plaintiff must allege the violation of a right secured by the Constitution and laws of the United States, and must show that the alleged deprivation was committed by a person acting under color of state law.”

“A plaintiff establishes deliberate indifference by showing that [a] prison official actually knew of and disregarded an excessive risk to inmate health or safety.”

“In failure-to-protect cases, ‘prison guards have no constitutional duty to intervene in the armed assault of

one inmate upon another when intervention would place the guards in danger of physical harm.’”

FACTUAL BACKGROUND

While incarcerated at Red Onion State Prison, Zeno was escorted to an outdoor recreation cage after another inmate had been searched and escorted to a separate cage. When the other inmate exited the cage, he attacked Zeno with a weapon, stabbing him at least four times. Zeno alleged that some officers were away from their posts, that other officers failed to follow security procedures, and that officers waited approximately 30 to 60 seconds before intervening. Zeno sought damages and injunctive relief under § 1983 for alleged Eighth Amendment violations and also asserted state-law claims for gross negligence and intentional infliction of emotional distress.

PROCEDURAL HISTORY

Zeno, a Virginia inmate proceeding pro se, filed an action under 42 U.S.C. § 1983 against eleven correctional officials and asserted related state-law claims. After an amended complaint was filed, defendants moved to dismiss for failure to state a claim. The court dismissed the federal claims without prejudice and dismissed the state-law claims without prejudice under 28 U.S.C. § 1367(c)(3), while allowing one final opportunity to amend.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- King v. Rubenstein, 825 F.3d 206, 214, 225 (4th Cir. 2016)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1278 (4th Cir. 1985)
- Safar v. Tingle, 859 F.3d 241, 245 (4th Cir. 2017)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Will v. Mich. Dep't of State Police, 491 U.S. 58, 71 (1989)
- Lawson v. Gault, 828 F.3d 239, 278 (4th Cir. 2016)
- Ex parte Young, 209 U.S. 123 (1908)
- Biggs v. N.C. Dep't of Pub. Safety, 953 F.3d 236, 242 (4th Cir. 2020)
- Verizon Md. Inc. v. Pub. Serv. Comm'n of Md., 535 U.S. 635, 645 (2002)
- Williamson v. Stirling, 912 F.3d 154, 171 (4th Cir. 2019)
- King v. Riley, King v. Riley, 76 F.4th 259, 267, 269 (4th Cir. 2023)
- Farmer v. Brennan, 511 U.S. 825, 833-834, 844 (1994)
- Danser v. Stansberry, 772 F.3d 340, 346-347 (4th Cir. 2014)
- Raynor v. Pugh, 817 F.3d 123, 127-128 (4th Cir. 2016)
- Grayson v. Peed, 195 F.3d 692, 695 (4th Cir. 1999)

- Strickland v. Halsey, 638 F. App'x 179, 187 (4th Cir. 2015)
- Tucker v. Evans, 276 F.3d 999, 1001-1002 (8th Cir. 2002)
- Rich v. Bruce, 129 F.3d 336, 339-340 (4th Cir. 1997)
- Smith v. Collins, 964 F.3d 266, 270 (4th Cir. 2020)
- Owens v. Baldwin, 822 F. App'x 490, 491-492 (7th Cir. 2020)
- Parrish v. Cleveland, 372 F.3d 294, 304 (4th Cir. 2004)
- Prosser v. Ross, 70 F.3d 1005, 1008 (8th Cir. 1995)
- Winfield v. Bass, 106 F.3d 525, 532 (4th Cir. 1997) (en banc)
- Edwards v. Black, 854 F. App'x 382, 385 (2d Cir. 2021)
- Rios v. Scott, 100 F. App'x 270, 272 (5th Cir. 2004)
- Okey v. Strebig, 531 F. App'x 212, 215 (3d Cir. 2013)
- Smith v. Mensinger, 293 F.3d 641, 650 (3d Cir. 2002)
- Bracey v. Pa. Dep't of Corr., 571 F. App'x 75, 77 n.2 (3d Cir. 2014)
- Phillips v. Bailey, 337 F. Supp. 2d 804, 807 (W.D. Va. 2004)
- Johnson v. Robinette, 105 F.4th 99, 123 (4th Cir. 2024)
- Shaw v. Stroud, 13 F.3d 791, 799 (4th Cir. 1994)
- Williams v. Mitchell, 122 F.4th 85, 92 (4th Cir. 2024)

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