

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

Dreshon Tyler v. Jeffrey Altip

Tyler v. Altip · No. 7:25cv417 · Decided December 10, 2025

SUMMARY

The United States District Court for the Western District of Virginia dismisses Dreshon Tyler’s 42 U.S.C. § 1983 action without prejudice under 28 U.S.C. § 1915A(b)(1). The court holds that Tyler failed to state a claim against the warden because he did not allege the warden’s personal involvement or knowledge of the alleged excessive force, while allowing 30 days to amend the complaint to identify the individuals allegedly responsible.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Roanoke Division
WRITING FOR THE COURT	Robert S. Ballou
JURISDICTION	United States District Court for the Western District of Virginia, Roanoke Division
DECIDED	December 10, 2025
DOCKET	7:25cv417
DISPOSITION	dismissed
PROCEDURAL POSTURE	A Virginia inmate brought a 42 U.S.C. § 1983 action against the warden of Wallens Ridge State Prison, alleging that unnamed prison staff physically abused him and denied him medical attention. The court screened the complaint under 28 U.S.C. § 1915A and dismissed it without prejudice for failure to state a claim.
STANDARD OF REVIEW	Statutory screening under 28 U.S.C. § 1915A(b)(1), including whether the complaint fails to state a claim upon which relief can be granted. The court applied the plausibility standard requiring factual allegations sufficient to raise the right to relief above the speculative level.
PRECEDENTIAL VALUE	unpublished
PARTIES	Dreshon Tyler v. Jeffrey Altip

TOPICS

section 1983

prisoners rights

cruel and unusual punishment

pleadings

civil procedure

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether Tyler stated a § 1983 claim against the warden for alleged excessive force and denial of medical attention by unidentified prison staff when he did not allege the warden's personal involvement or knowledge.
2. Whether the complaint should be dismissed under 28 U.S.C. § 1915A(b)(1) for failure to state a claim.
3. Whether Tyler should be permitted to amend the complaint to add a warden who was not at the prison during the alleged abuse.

HOLDINGS

1. A prison warden is not liable under § 1983 solely because the warden is responsible for the daily operation of the facility and inmate welfare. The plaintiff must allege the official's personal involvement, knowledge, or facts satisfying the requirements for supervisory liability.
2. Although allegations that prison staff kicked and punched Tyler could describe an Eighth Amendment excessive-force claim, Tyler failed to state such a claim against Altip because he did not allege that Altip personally participated in or knew about the alleged abuse.
3. The complaint was dismissed without prejudice under 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief could be granted.

KEY QUOTATIONS

“A defendant cannot be found liable in a § 1983 claim under a theory of vicarious liability or respondeat superior.”

“Because vicarious liability is inapplicable [to § 1983] suits, a plaintiff must plead that each Government-official defendant, through the official’s own individual actions, has violated the Constitution.”

FACTUAL BACKGROUND

Tyler, a Virginia inmate at Wallens Ridge State Prison, alleged that unnamed prison staff kicked and punched him and denied him medical attention. He named Jeffrey Altip, the prison warden, as the sole defendant, but did not allege that Altip personally participated in or knew about the abuse. Tyler sought to add former or current warden David Zook as a defendant, but Zook was not at the prison during the period of the alleged abuse.

PROCEDURAL HISTORY

Tyler filed a § 1983 complaint naming Jeffrey Altip, the warden, as the sole defendant. He moved to amend the complaint to add David Zook, but the court denied the motion because Zook was not employed at the prison during the alleged abuse. After screening the complaint, the court dismissed it without prejudice under §

1915A(b)(1), while permitting Tyler 30 days to file an amended complaint naming the individuals who allegedly abused him and supplying supporting factual allegations.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

No remand. Tyler may file an amended complaint within 30 days naming the individuals who allegedly physically abused him and providing factual allegations sufficient to support each defendant's alleged constitutional violations. If he does not amend within that period, the action will be stricken from the active docket.

CASES CITED

- Doe v. Rosa, 795 F.3d 429, 436 (4th Cir. 2015)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Hill v. Crum, 727 F.3d 312, 317 (4th Cir. 2013)
- Whitley v. Albers, 475 U.S. 312, 319 (1986)
- Wilkins v. Gaddy, 559 U.S. 34, 37-40 (2010)
- Polk County v. Dodson, 454 U.S. 312, 325 (1981)
- Monell v. Department of Social Services, 436 U.S. 658, 694 (1978)
- Love-Lane v. Martin, 355 F.3d 766, 782 (4th Cir. 2004)
- Ashcroft v. Iqbal, 556 U.S. 662, 676 (2009)
- Shaw v. Stroud, 13 F.3d 791, 799 (4th Cir. 1994)
- Green v. Beck, 539 F. App'x 78, 80 (4th Cir. 2013)

OPINION

CLERK'S OFFICE U.S. DIST. COUR AT ROANOKE, VA FILED IN THE UNITED STATES DISTRICT COURT December 10, 2025 FOR THE WESTERN DISTRICT OF VIRGINIA LAURA A. AUSTIN, CLERK ROANOKE DIVISION BY: s/A. Beeson DEPUTY CLERK DRESHON TYLER,) Plaintiff,)) v.) Civil Action No. 7:25cv417) JEFFREY ALTIP,) Defendant.) By: Robert S. Ballou) United States District Judge MEMORANDUM OPINION Plaintiff Dreshon Tyler, a Virginia inmate proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983, alleging physical abuse by unnamed staff at the Wallens Ridge state prison, where he is currently incarcerated.

Tyler names Jeffrey Altip, the Warden of Wallens Ridge, as the only defendant.! This action will be summarily dismissed pursuant to § 1915A(b)(1) for failure to state a claim. “Section 1983

imposes liability on state actors who cause the deprivation of any rights, privileges, or immunities secured by the Constitution.” *Doe v. Rosa*, 795 F.3d 429, 436 (4th Cir.

2015). However, the court must dismiss any action or claim filed by a prisoner against a governmental entity or officer if the court determines the action or claim is frivolous, malicious, or fails to state a claim on which relief could be granted. 28 U.S.C. § 1915A(b)(1). Plaintiff’s “[f]actual allegations must be enough to raise a right to relief above the speculative level,” to one that is “plausible on its face,” rather than merely “conceivable.” *Bell Atl.*

Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007). Tyler moved to amend his complaint to add David Zook, the current warden at Wallens Ridge state prison, as a defendant. Dkt. 7. The motion was denied because Zook was not at the prison during the abuse alleged in the complaint. Dkt. 8. Further, as discussed in this opinion, the Warden does not have supervisory liability under the facts alleged.

I construe Tyler’s allegations that jail staff kicked and punched him and denied him medical attention as a claim of excessive force in violation of the Eighth Amendment. “[T]he Eighth Amendment forbids ‘the unnecessary and wanton infliction of pain’” on prisoners by prison officials. *Hill v. Crum*, 727 F.3d 312, 317 (4th Cir. 2013) (quoting *Whitley v. Albers*, 475 U.S. 312, 319 (1986)).

A plaintiff states an Eighth Amendment excessive force claim when he alleges that there was an unnecessary application of force, regardless of whether a significant injury resulted therefrom. *Wilkins v. Gaddy*, 559 U.S. 34, 37–40 (2010). Tyler cannot prevail in his § 1983 claim against the Warden because he does not allege that the Warden, the sole defendant, was personally involved in or had any knowledge of the abuse.

A defendant cannot be found liable in a § 1983 claim under a theory of vicarious liability or respondeat superior. *Polk Cnty. v. Dodson*, 454 U.S. 312, 325 (1981) (noting that “Section 1983 will not support a claim based on a respondeat superior theory of liability”) citing *Monell v. New York City Dept. of Social Services*, 436 U.S. 658, 694 (1978); *Love-Lane v. Martin*, 355 F.3d 766, 782 (4th Cir.

2004) (holding that there is no respondeat superior liability under § 1983). Tyler states he was abused by staff at Wallens Ridge but does not identify the abusers or name them as defendants. Tyler names the Warden in his lawsuit solely because the Warden is responsible for the daily operation of the facility and welfare of the inmates.

Here, the Warden’s status as the official in charge of Wallens Ridge, without more, does not subject him to liability under § 1983. “Because vicarious liability is inapplicable [to § 1983] suits, a plaintiff must plead that each Government-official defendant, through the official’s own individual actions, has violated the Constitution.” *Ashcroft v. Iqbal*, 556 U.S. 662, 676 (2009).

Instead, under § 1983, any liability imputed to supervisory officials must be supported by evidence that: (1) the supervisor had actual or constructive knowledge that a subordinate was engaged in conduct that posed a pervasive and unreasonable risk of constitutional injury; (2) the supervisor's response to the knowledge was so inadequate as to show deliberate indifference to or tacit authorization of the alleged offensive practices; and (3) there was an affirmative causal link between the supervisor's inaction and the particular constitutional injury suffered by the plaintiff.

See *Shaw v. Stroud*, 13 F. 3d 791, 799 (4th Cir. 1994); *Green v. Beck*, 539 F. App'x 78, 80 (4th Cir. 2013). Because Tyler does not allege that the Warden was personally involved in or even had knowledge of the abuse, he has failed to establish supervisory liability.

Accordingly, I will dismiss the Complaint without prejudice under 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief could be granted. Tyler may file an Amended Complaint naming as defendants the individuals he claims physically abused him and providing factual allegations sufficient to support each defendant's alleged constitutional violations, within 30 days of the date of this Order.

If Tyler does not file an Amended Complaint within this timeframe, this action will be stricken from the active docket of this court. An appropriate order accompanies this memorandum opinion.
Entered: December 10, 2025 Robert S. Ballou Robert S. Ballou United States District Judge