

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA

Mohammed Azimi v. John Zug

Civil Action No. 3:25-cv-00041 (W.D. Va. Mar. 12, 2026) · No. 3:25-cv-00041 · Decided March 12, 2026

SUMMARY

The United States District Court for the Western District of Virginia granted the defendant’s motion to dismiss a pro se action alleging that a state-court clerk withheld a criminal judgment order and thereby interfered with the plaintiff’s appellate rights. The court held that official-capacity federal claims for damages were largely barred by Eleventh Amendment sovereign immunity and that the individual-capacity claims under 42 U.S.C. §§ 1983 and 1985(2) were not plausibly pleaded. The court declined supplemental jurisdiction over the state-law claims and dismissed the complaint without prejudice.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia
WRITING FOR THE COURT	Jasmine H. Yoon
JURISDICTION	United States District Court for the Western District of Virginia
DECIDED	March 12, 2026
DOCKET	3:25-cv-00041
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved to dismiss a pro se civil-rights complaint under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). The court granted the motion, dismissed the federal claims, declined supplemental jurisdiction over the state-law claims, and dismissed the complaint without prejudice.
STANDARD OF REVIEW	Under Rule 12(b)(1), the court considered a facial challenge to subject-matter jurisdiction, accepted the complaint's factual allegations as true, and determined whether they sufficiently invoked jurisdiction. Under Rule 12(b)(6), the court accepted well-pleaded facts as true, construed them in the plaintiff's favor, and determined whether the complaint stated a plausible claim for relief. Pro se pleadings were liberally construed but were still required to comply with the Federal Rules of Civil Procedure.
PRECEDENTIAL VALUE	unpublished

PARTIES

Mohammed Azimi v. John Zug

TOPICS

motions to dismiss

sovereign immunity

eleventh amendment immunity

section 1983

civil procedure

PRACTICE AREAS

civil rights

constitutional law

civil procedure

state sovereign immunity

QUESTIONS PRESENTED

1. Whether Eleventh Amendment sovereign immunity barred Azimi's federal claims for damages against Zug in his official capacity.
2. Whether the complaint plausibly alleged a denial-of-access-to-courts claim under 42 U.S.C. § 1983.
3. Whether the complaint plausibly alleged First Amendment retaliation under § 1983.
4. Whether the complaint plausibly alleged a Fourteenth Amendment procedural due process violation under § 1983.
5. Whether the complaint plausibly alleged a conspiracy claim under 42 U.S.C. § 1985(2).
6. Whether the court should exercise supplemental jurisdiction over the state-law claims after dismissing the federal claims.

HOLDINGS

1. Azimi's § 1983 and § 1985(2) claims against Zug in his official capacity, to the extent they sought damages or other relief barred by sovereign immunity, were barred by the Eleventh Amendment because such claims were treated as claims against the Commonwealth of Virginia.
2. The complaint failed to state a plausible denial-of-access-to-courts claim because Azimi did not identify a nonfrivolous underlying appellate claim, show that Zug actually hindered pursuit of that claim, or establish that a remedy was unavailable in the underlying appellate proceeding.
3. The complaint failed to state a plausible First Amendment retaliation claim because it did not allege facts supporting a causal connection between protected activity and Zug's alleged failure to provide the final order.
4. The complaint failed to state a procedural due process claim because it did not plausibly allege that Zug intentionally deprived Azimi of a protected liberty or property interest.
5. The complaint failed to state a § 1985(2) conspiracy claim because it did not plausibly allege an agreement among two or more persons or the required class-based, invidiously discriminatory animus.
6. The court declined to exercise supplemental jurisdiction over Azimi's state-law claims after dismissing all claims within its original jurisdiction.

KEY QUOTATIONS

“To survive a Rule 12(b)(6) motion, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’”” (Section II)

“The precise constitutional basis for these claims is unsettled, but the Supreme Court has clarified that “the right is ancillary to the [plaintiff’s] underlying claim, without which a plaintiff cannot have suffered injury by being shut out of court.”” (Section III.A.2.i)

“The Supreme Court has recognized that “the Due Process Clause is simply not implicated by a negligent act of an official causing unintended loss of or injury to life, liberty, or property.”” (Section III.A.2.i)

FACTUAL BACKGROUND

Azimi was convicted and sentenced after a jury trial in the Albemarle County Circuit Court for assault and battery of a family member. He alleged that the presiding judge signed a final judgment on February 7, 2025, but that the clerk's office did not promptly enter or provide the order, resulting in an alleged delay until May 2025 and causing him to miss appellate or post-trial deadlines. He claimed that Clerk John Zug conspired with other local officials to withhold or misrepresent the status of the order in retaliation for Azimi's complaints and Freedom of Information Act requests.

PROCEDURAL HISTORY

Azimi filed the action on May 22, 2025, alleging claims under 42 U.S.C. §§ 1983 and 1985(2), intentional infliction of emotional distress, and gross negligence. The court granted in forma pauperis status. Zug moved to dismiss on August 4, 2025, and the court issued a Roseboro notice; Azimi did not respond. The court independently reviewed the motion and dismissed the complaint without prejudice.

DISPOSITION

dismissed

CASES CITED

- A Society Without a Name v. Virginia, 655 F.3d 342, 346-47 (4th Cir. 2011)
- Adams v. Bain, 697 F.2d 1213, 1219 (4th Cir. 1982)
- Antrican v. Odom, 290 F.3d 178, 184 (4th Cir. 2002)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Banks v. Gore, 738 F. App'x 766, 773 (4th Cir. 2018)
- Ballenger v. Owens, 352 F.3d 842, 845 (4th Cir. 2003)
- Beck v. McDonald, 848 F.3d 262, 270 (4th Cir. 2017)
- Bhattacharya v. Murray, 515 F. Supp. 3d 436, 457 (W.D. Va. 2021)
- Bing v. Brivo Systems, LLC, 959 F.3d 605, 618 (4th Cir. 2020)
- Blankenship v. Warren County, 918 F. Supp. 970, 973, 974 n.4 (W.D. Va. 1996)
- Carnegie-Mellon University v. Cohill, 484 U.S. 343, 350 n.7 (1988)
- Christopher v. Harbury, 536 U.S. 403, 412-15 (2002)

- *Constantine v. Rector & Visitors of George Mason University*, 411 F.3d 474, 501 (4th Cir. 2005)
- *Cunningham v. General Dynamics Information Technology, Inc.*, 888 F.3d 640, 649 (4th Cir. 2018)
- *Daniels v. Williams*, 474 U.S. 327, 328, 333 (1986)
- *Doriety for Estate of Crenshaw v. Sletten*, 109 F.4th 670, 679 (4th Cir. 2024)
- *Edwards v. City of Goldsboro*, 178 F.3d 231, 243 (4th Cir. 1999)
- *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)
- *Goudy v. Navy Federal Credit Union Foundation*, No. 23-1721, 2024 WL 2206508, at *1 (4th Cir. May 16, 2024)
- *Gray v. Laws*, 51 F.3d 426, 430 (4th Cir. 1995)
- *Henderson v. Harmon*, 102 F.4th 242, 251 (4th Cir. 2024)
- *Kerns v. United States*, 585 F.3d 187, 192 (4th Cir. 2009)
- *Kentucky v. Graham*, 473 U.S. 159, 169 n.17 (1985)
- *Lee X v. Casey*, 771 F. Supp. 725, 732 (E.D. Va. 1991)
- *Lewis v. Casey*, 518 U.S. 343, 351, 353 & n.3 (1996)
- *Love v. Hogan*, No. 22-1928, 2025 WL 763473, at *1 (4th Cir. Mar. 11, 2025)
- *Lovelace v. Lee*, 472 F.3d 174, 202 (4th Cir. 2006)
- *Lytle v. Doyle*, 326 F.3d 463, 471 (4th Cir. 2003)
- *Martin v. Duffy*, 977 F.3d 294, 299 (4th Cir. 2020)
- *Pink v. Lester*, 52 F.3d 73, 74-75 (4th Cir. 1995)
- *Prieto v. Clarke*, 780 F.3d 245, 248 (4th Cir. 2015)
- *Saphilom v. Fairfax County Police*, No. 3:23-cv-562, 2024 WL 4863296, at *4 (E.D. Va. Nov. 21, 2024)
- *Shanaghan v. Cahill*, 58 F.3d 106, 110 (4th Cir. 1995)
- *Stevenson v. City of Seat Pleasant, Maryland*, 743 F.3d 411, 416 n.3 (4th Cir. 2014)
- *Thomas v. The Salvation Army Southern Territory*, 841 F.3d 632, 637 (4th Cir. 2016)
- *Weller v. Department of Social Services for City of Baltimore*, 901 F.2d 387, 391 (4th Cir. 1990)
- *Wikimedia Foundation v. National Security Agency*, 857 F.3d 193, 208 (4th Cir. 2017)
- *Will v. Michigan Department of State Police*, 491 U.S. 58, 63-64, 71 (1989)
- *Lolavar v. de Santibanes*, 430 F.3d 221, 224 n.2 (4th Cir. 2005)

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