

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

Shaka Shakur v. M. Brinegar, et al.

Shaka Shakur v. M. Brinegar, No. 7:23-cv-00825 (W.D. Va. Mar. 30, 2026) · No. 7:23-cv-00825 · Decided
March 30, 2026

SUMMARY

The United States District Court for the Western District of Virginia addressed a prisoner’s 42 U.S.C. § 1983 claims alleging excessive force and unlawful restraint during a prison transfer. The court granted summary judgment only on claims for monetary damages against defendants in their official capacities, denied summary judgment on the remaining liability claims, denied the plaintiff’s subpoena motion without prejudice, denied his extension motion as moot, and directed that the case be set for trial.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Roanoke Division
WRITING FOR THE COURT	Elizabeth K. Dillon
JURISDICTION	United States District Court for the Western District of Virginia, Roanoke Division
DECIDED	March 30, 2026
DOCKET	7:23-cv-00825
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 prisoner civil-rights action alleging Eighth Amendment excessive-force and unlawful-restraint claims. Defendants moved for summary judgment, and plaintiff moved for issuance of a subpoena and for an extension of time.
STANDARD OF REVIEW	Summary judgment is proper when the movant shows that no genuine dispute of material fact exists and the movant is entitled to judgment as a matter of law. The court views reasonable inferences in the light most favorable to the nonmovant; a verified complaint based on personal knowledge may create a genuine dispute of material fact.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion

PARTIES

Shaka Shakur v. M. Brinegar, Fender, Sherwood, Crawford, Towler, May, Anderson

TOPICS

summary judgment

section 1983

prisoners rights

civil rights

discovery dispute

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether defendants were entitled to summary judgment on Shakur's Eighth Amendment excessive-force and unlawful-restraint claims because the verified complaint did not sufficiently establish each defendant's personal involvement.
2. Whether Warden Anderson was entitled to summary judgment because he was not alleged to have personally participated in the assault and could not be held liable under respondeat superior.
3. Whether defendants were entitled to summary judgment against claims for monetary damages asserted against them in their official capacities.
4. Whether Shakur was entitled to issuance of a subpoena for investigative materials, disciplinary records, financial information, personnel files, and correctional policies.
5. Whether Shakur's motion for an extension of time should be granted.

HOLDINGS

1. Summary judgment was denied because Shakur's verified allegations that each identified officer participated in stepping on his chains, twisting or yanking his restraints, and assaulting him conflicted with defendants' account and created a genuine dispute of material fact concerning personal involvement and excessive force.
2. Summary judgment was denied as to Warden Anderson because Shakur's sworn allegations that Anderson fostered, approved, or authorized an atmosphere of abuse were sufficient to create a factual issue concerning supervisory liability.
3. Defendants were entitled to summary judgment to the extent Shakur sought monetary damages from them in their official capacities.
4. The subpoena motion was denied without prejudice. Defendants were directed to produce investigative materials and disciplinary records within 14 days subject to access restrictions, while requests for broad financial, personnel, training-manual, and intake-policy materials were denied as overbroad, unduly burdensome, or disproportionate.

KEY QUOTATIONS

“Summary judgment is appropriate where “the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.”” (II.A)

“Liability under § 1983 is “personal, based upon each defendant’s own constitutional violations.”” (II.B)

“Government officials may not be held liable for the unconstitutional conduct of their subordinates under a theory of respondeat superior.” (II.B)

FACTUAL BACKGROUND

Shakur, a Virginia prisoner, alleged that during his December 21, 2021 transfer from Green Rock Correctional Center to River North Correctional Center, correctional officers pulled him from a vehicle while he was shackled and handcuffed, stepped on his leg chains, yanked and twisted his arms, and struck him while he was not resisting. He alleged that the conduct caused injuries to his hands, wrists, legs, ankles, shoulder, face, and head, and that Sergeant Towler incited the other officers by making derogatory statements about him. Defendants denied using excessive force and asserted that Shakur injured himself by banging his head. Shakur also sought discovery and subpoenas for investigative materials, disciplinary records, personnel and financial records, and correctional policies.

PROCEDURAL HISTORY

Shakur filed a verified complaint concerning his transfer from Green Rock Correctional Center to River North Correctional Center. The court previously dismissed his due-process claim concerning a damaged television and addressed defendants' motion to dismiss claims for official-capacity monetary damages. On summary judgment, the court granted defendants' motion only as to monetary damages against defendants in their official capacities, denied summary judgment on the liability claims, denied the subpoena motion without prejudice, denied the extension motion as moot, and directed that the case be set for trial.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Defendants must produce responsive investigative materials and disciplinary records within 14 days, subject to the stated viewing, note-taking, and custody restrictions. The matter is to be set for trial.

CASES CITED

- In re Apex Express Corp., 190 F.3d 624, 633 (4th Cir.)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323–24 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 252 (1986)
- Loftus v. Bobzien, 848 F.3d 278, 284–85 (4th Cir.)
- Trulock v. Freeh, 275 F.3d 391, 402 (4th Cir.)
- Wilcox v. Brown, 877 F.3d 161, 170 (4th Cir.)

- Ashcroft v. Iqbal, 556 U.S. 662, 676 (2009)
- Wilkins v. Montgomery, 751 F.3d 214, 226 (4th Cir.)
- Shaw v. Stroud, 13 F.3d 791, 799 (4th Cir.)
- Williams v. Griffin, 952 F.2d 820, 823 (4th Cir.)
- McCormick v. Hall, No. 7:20-cv-00690, 2022 WL 4109513, at *2 (W.D. Va. Sept. 8, 2022)
- Will v. Michigan Department of State Police, 491 U.S. 58, 64–71 (1989)
- Tilley v. Pierson, No. 2:25-cv-00259, 2025 WL 3207816 (S.D.W. Va. Nov. 17, 2025)
- Fielder v. Greenwood, No. 5:22-ct-3333, 2024 U.S. Dist. LEXIS 74928, at *4–5 (E.D.N.C. Apr. 24, 2024)
- Turner v. Kinder, No. 7:07-cv-00419, 2008 WL 2078094, at *2 (W.D. Va. May 15, 2008)
- Stephens v. Management FC, LLC, No. 3:24-cv-00698, 2025 WL 1686462, at *3 (S.D.W. Va. June 16, 2025)
- Brooks v. Johnson, 924 F.3d 104, 122 (4th Cir.)