

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, RICHMOND DIVISION

Almalik Bryant v. Ms. Lewis, et al.

Civil No. 3:25cv591 (DJN) · No. Civil No. 3:25cv591 (DJN) · Decided June 18, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia granted defendants’ motion to dismiss an inmate’s 42 U.S.C. § 1983 action challenging the denial of a kosher religious diet. The court dismissed the First Amendment claim without prejudice and permitted amendment, finding that the complaint did not adequately allege a substantial burden on religious exercise. The Sixth Amendment claim was dismissed with prejudice because the claim did not concern a criminal prosecution.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Richmond Division
WRITING FOR THE COURT	David J. Novak
JURISDICTION	United States District Court for the Eastern District of Virginia, Richmond Division
DECIDED	June 18, 2026
DOCKET	Civil No. 3:25cv591 (DJN)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a pro se 42 U.S.C. § 1983 action alleging that jail employees denied him a diet consistent with his religious beliefs. Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and views the complaint in the light most favorable to the plaintiff, but does not accept legal conclusions as true. A complaint must allege sufficient factual content to state a facially plausible claim for relief. Pro se pleadings are liberally construed, but courts may not invent claims or allow a plaintiff to amend through briefing.
PRECEDENTIAL VALUE	Unknown; memorandum opinion from a federal district court

PARTIES

Almalik Bryant v. Ms. Lewis, Mr. Luna, Ms. Middlebrook

TOPICS

motions to dismiss

free exercise clause

first amendment

prisoners rights

section 1983

PRACTICE AREAS

civil rights

constitutional law

prisoner litigation

civil procedure

QUESTIONS PRESENTED

1. Whether Bryant's allegations plausibly stated a First Amendment free-exercise claim based on denial of a kosher or religiously compliant diet.
2. Whether Bryant could maintain a Sixth Amendment claim based on the alleged denial of a religiously compliant diet in a civil § 1983 action.
3. Whether Bryant's unauthorized sur-reply or supplemental allegations could be considered in deciding the motion to dismiss.
4. Whether dismissal of the First Amendment claim should be with prejudice where amendment might not be futile.

HOLDINGS

1. The court would not consider Bryant's unauthorized sur-reply or supplemental allegations because further briefing was not permitted without leave under the local rules and Bryant had not obtained leave to supplement or amend his complaint.
2. The complaint did not plausibly allege that defendants imposed a substantial burden on Bryant's religious exercise because it did not specifically explain how the offered diet conflicted with his religious requirements and alleged that he experienced hunger only from time to time while declining processed meats for reasons that appeared unrelated to religion.
3. The First Amendment claim was dismissed without prejudice, and Bryant was permitted to file an amended complaint because amendment did not appear necessarily futile.
4. The Sixth Amendment did not apply because it protects rights in criminal prosecutions, and Bryant's diet-related claim did not concern any past or future criminal proceeding.

KEY QUOTATIONS

“A motion to dismiss under Rule 12(b)(6) tests the sufficiency of a complaint; importantly, it does not resolve contests surrounding the facts, the merits of a claim, or the applicability of defenses.””

FACTUAL BACKGROUND

Bryant, an inmate at Northern Neck Regional Jail, alleged that jail employees denied his requests for a kosher diet and for an unprocessed-meat diet. He asserted that he submitted requests and grievances to the defendants

and was offered processed meats, which he generally declined. He alleged intermittent hunger and emotional and psychological harm, and sought injunctive relief and monetary damages.

PROCEDURAL HISTORY

Bryant filed a § 1983 complaint while incarcerated and proceeding in forma pauperis. Defendants moved to dismiss; after receiving Roseboro notice, Bryant filed an opposition and Defendants filed a reply. Bryant then filed an unauthorized sur-reply or supplemental complaint, which the court declined to consider. The court granted the motion to dismiss, dismissed the First Amendment claim without prejudice with leave to amend, and dismissed the Sixth Amendment claim with prejudice.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Bryant may file an amended complaint clarifying the factual and religious basis of his First Amendment dietary claim.

CASES CITED

- Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975)
- Republican Party of N.C. v. Martin, 980 F.2d 943, 952 (4th Cir. 1992)
- A4ylan Labs., Inc. v. Matkari, 7 F.3d 1130, 1134 (4th Cir. 1993)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 556, 570 (2007)
- Conley v. Gibson, 355 U.S. 41, 47 (1957)
- Bass v. E.I. DuPont de Nemours & Co., 324 F.3d 761, 765 (4th Cir. 2003)
- Dickson v. Microsoft Corp., 309 F.3d 193, 213 (4th Cir. 2002)
- Iodice v. United States, 289 F.3d 270, 281 (4th Cir. 2002)
- Hughes v. Rowe, 449 U.S. 5, 9-10 (1980)
- Wall v. Rasnick, 42 F.4th 214, 218 (4th Cir. 2022)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1278 (4th Cir. 1985)
- Jackson v. Dameron, 171 F.4th 641, 645 (4th Cir. 2026)
- Barclay White Skanska, Inc. v. Battelle Mem'l Inst., 262 F. App'x 556, 563 (4th Cir. 2008)
- E.I. du Pont de Nemours & Co. v. Kolon Indus., Inc., 847 F. Supp. 2d 843, 851 n.9 (E.D. Va. 2012)
- Equity in Athletics, Inc. v. Dep't of Educ., 504 F. Supp. 2d 88, 111 (W.D. Va. 2007)
- Vigil v. Morefield, No. 3:22cv740, 2024 WL 3012493, at *2 n.4 (E.D. Va. June 14, 2024)
- King v. Rubenstein, 825 F.3d 206, 225 (4th Cir. 2016)
- Whitehouse v. Johnson, No. 1:10CV1175, 2011 WL 5843622, at *4 (E.D. Va. Nov. 18, 2011)
- Hernandez v. Comm'r of Internal Revenue, 490 U.S. 680, 699 (1989)

- Massenburg v. Adams, No. 3:08cv106, 2011 WL 1740150, at *4 (E.D. Va. May 5, 2011)
- Lovelace v. Lee, 472 F.3d 174, 187 (4th Cir. 2006)
- Garrett v. Gullett, No. 7:24-cv-407, 2025 WL 2627433, at *2-3 (W.D. Va. Sept. 11, 2025)
- Shabazz v. Johnson, No. 3:12cv282, 2015 WL 4068590, at *10 (E.D. Va. July 2, 2015)
- Muhammad v. Mathena, No. 7:14cv134, 2015 WL 300363, at *3 (W.D. Va. Jan. 22, 2015)
- Musto v. Trinity Food Servs., Inc., 2010 WL 3565723, at *10 (M.D. Fla. Sept. 9, 2010)
- Pennick v. DeHaven, No. 3:18-cv-05434-BHS-DWC, 2019 WL 7021482, at *4 (W.D. Wash. Dec. 17, 2019)
- Robinson v. Dotson, No. 3:24CV730 (RCY), 2025 WL 2323939, at *5 (E.D. Va. Aug. 12, 2025)
- Kirby v. Illinois, 406 U.S. 682, 690 (1972)

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