

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA

David Lee Hutton, II v. Western Virginia Regional Jail Authority

Hutton · No. 7:25-cv-00314 · Decided February 2, 2026

SUMMARY

The United States District Court for the Western District of Virginia granted the Western Virginia Regional Jail Authority’s motion to dismiss a pro se prisoner’s claims under 42 U.S.C. § 1983. The court held that the plaintiff failed to plausibly allege a municipal policy or custom supporting liability for failure to protect him, failure to pursue criminal or civil action against his attackers, or failure to reimburse stolen commissary goods.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia
WRITING FOR THE COURT	Thomas T. Cullen
JURISDICTION	United States District Court for the Western District of Virginia
DECIDED	February 2, 2026
DOCKET	7:25-cv-00314
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought an action under 42 U.S.C. § 1983, and Defendant moved to dismiss under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court evaluates the sufficiency of the complaint, accepts well-pleaded factual allegations as true, draws reasonable inferences for the plaintiff, and determines whether the complaint plausibly states a claim for relief.
PRECEDENTIAL VALUE	Nonprecedential district court memorandum opinion
PARTIES	David Lee Hutton, II v. Western Virginia Regional Jail Authority

TOPICS

- section 1983
- municipal liability
- motions to dismiss
- prisoners rights
- fourteenth amendment

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Hutton plausibly alleged that a policy or custom of the Western Virginia Regional Jail Authority caused a Fourteenth Amendment failure-to-protect violation.
2. Whether the jail authority could be held liable under 42 U.S.C. § 1983 for failing to pursue criminal or civil proceedings against the inmates who assaulted Hutton.
3. Whether the jail authority could be held liable under § 1983 for failing to refund Hutton for stolen commissary goods.

HOLDINGS

1. Hutton failed to state a plausible § 1983 failure-to-protect claim against the Western Virginia Regional Jail Authority because he did not allege that an official policy or custom was the moving force behind the assault or that the jail authority should reasonably have appreciated a substantial risk of serious harm.
2. The nonpursuit of criminal or civil action against the inmates who assaulted Hutton cannot support a § 1983 claim because a private citizen has no judicially cognizable or enforceable right to compel another entity to prosecute or bring claims against another person.
3. Hutton failed to state a plausible § 1983 claim based on the jail authority's failure to refund the value of the stolen commissary goods.

KEY QUOTATIONS

"To survive a motion to dismiss, a plaintiff must plausibly allege (1) the existence of an official policy or custom, (2) that is fairly attributable to the municipal entity, and (3) proximately caused the underlying constitutional violation."

"Accordingly, the nonpursuit of civil or criminal action against the perpetrators cannot support a § 1983 claim."

FACTUAL BACKGROUND

Hutton alleged that four inmates entered his cell at the Western Virginia Regional Jail on February 19, 2025, assaulted and robbed him, and stole approximately \$200 in commissary goods. After the incident, jail personnel took Hutton's statement, reviewed surveillance footage, and confirmed his account, but told him the jail would not pursue legal action against the assailants. Hutton also alleged that the jail failed to provide a safe environment and later failed to refund the value of the stolen goods.

PROCEDURAL HISTORY

Hutton filed a pro se § 1983 complaint against the Western Virginia Regional Jail Authority alleging failure to protect him from an inmate attack, failure to pursue criminal or civil action against the attackers, and failure to

refund stolen commissary goods. The jail authority moved to dismiss. The district court granted the motion and dismissed all claims.

DISPOSITION

dismissed

CASES CITED

- Hall v. DIRECTV, LLC, 846 F.3d 757, 765 (4th Cir. 2017)
- Occupy Columbia v. Haley, 738 F.3d 107, 116 (4th Cir.)
- Ashcroft v. Iqbal, 556 U.S. 662, 678–79 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 557, 570 (2007)
- E.I. du Pont de Nemours & Co. v. Kolon Indus., Inc., 637 F.3d 435, 448 (4th Cir. 2011)
- Crosby v. City of Gastonia, 635 F.3d 634, 639 (4th Cir. 2011)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Ashcroft v. Iqbal, 556 U.S. 662, 676 (2009)
- Miller v. Sw. Virginia Reg'l Jail Auth. - Duffield Facility, No. 7:21CV00010, 2021 WL 1606469, at *1 (W.D. Va. Apr. 26, 2021)
- Monell v. Dep't of Soc. Servs., 436 U.S. 658, 690 (1978)
- Polk Cnty. v. Dodson, 454 U.S. 312, 326 (1981)
- Oklahoma City v. Tuttle, 471 U.S. 808, 817–18 (1985)
- Kiser v. SWVRJA, No. 7:16-CV-00129, 2016 WL 4987177, at *1 (W.D. Va. Sept. 15, 2016)
- Jordan ex rel. Jordan v. Jackson, 15 F.3d 333, 338 (4th Cir. 1994)
- Carter v. Morris, 164 F.3d 215, 218 (4th Cir. 1999)
- Connick v. Thompson, 563 U.S. 51, 61 (2011)
- Sparks v. Sw. Va. Reg'l Jail Auth., No. 7:23-CV-00575, 2025 WL 543189, at *3 (W.D. Va. Feb. 19, 2025)
- Owens v. Balt. City State's Att'ys Off., 767 F.3d 379, 402–03 (4th Cir. 2014)
- Hammock v. Andoh, No. 22-7159, 2024 WL 33694, at *1 (4th Cir. Jan. 3, 2024)
- Carmona v. Martin, No. 23-6930, 2024 WL 4490695, at *2 (4th Cir. Oct. 15, 2024)
- Younger v. Crowder, 79 F.4th 373, 382 (4th Cir. 2023)
- Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973)
- Lopez v. Robinson, 914 F.2d 486, 494 (4th Cir. 1990)
- Bordenkircher v. Hayes, 434 U.S. 357, 364 (1978)
- Parker v. Portsmouth City Police Dep't, No. 3:23CV600, 2024 WL 2749835, at *3 (E.D. Va. May 29, 2024), aff'd, No. 24-6585, 2024 WL 4274492 (4th Cir. Sept. 24, 2024)

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