

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

Khalid Rashid Shabazz v. R. Perry, et al.

Shabazz · No. 7:26-cv-00224 · Decided May 5, 2026

SUMMARY

The United States District Court for the Western District of Virginia dismissed Khalid Rashid Shabazz’s 42 U.S.C. § 1983 complaint under 28 U.S.C. § 1915A(b)(1) for failure to state a claim. The court held that the alleged loss of personal property did not support a Fourteenth Amendment due process claim because Virginia provides adequate post-deprivation remedies, and that inmates have no constitutional right to a favorable grievance response.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Roanoke Division
WRITING FOR THE COURT	Michael F. Urbanski
JURISDICTION	United States District Court for the Western District of Virginia, Roanoke Division
DECIDED	May 5, 2026
DOCKET	7:26-cv-00224
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state inmate proceeding pro se filed a 42 U.S.C. § 1983 action alleging deprivation of property without due process. The district court screened the complaint under 28 U.S.C. § 1915A and dismissed it for failure to state a claim.
STANDARD OF REVIEW	Mandatory screening under 28 U.S.C. § 1915A; dismissal is appropriate when a complaint is frivolous, malicious, or fails to state a claim upon which relief may be granted. The court applied the plausibility standard under Ashcroft v. Iqbal and Bell Atlantic Corp. v. Twombly and construed the pro se complaint liberally.
PRECEDENTIAL VALUE	unpublished
PARTIES	Khalid Rashid Shabazz v. R. Perry, R. Bevins, V. Williams

TOPICS

section 1983

due process

prisoners rights

civil procedure

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether the alleged negligent or unauthorized loss of Shabazz's personal property, followed by the availability of remedies under Virginia law, stated a Fourteenth Amendment due process claim under 42 U.S.C. § 1983.
2. Whether prison officials' failure to resolve Shabazz's complaints and grievances concerning the promised reimbursement stated a constitutionally protected due process claim.
3. Whether the complaint stated a plausible claim under 42 U.S.C. § 1983 sufficient to survive screening under 28 U.S.C. § 1915A(b)(1).

HOLDINGS

1. An unauthorized deprivation of an inmate's property by a state employee does not violate procedural due process when the state provides an adequate post-deprivation remedy. Because the Virginia Tort Claims Act and Virginia tort law provide adequate remedies, Shabazz had no viable due process claim based on the loss of his shirt and wave cap.
2. Inmates have no federally protected interest in having prison grievances resolved to their satisfaction. The defendants' alleged failure to respond adequately to, or resolve, Shabazz's complaints and grievances therefore did not violate a constitutionally protected right.
3. The complaint failed to state a claim upon which relief could be granted and was subject to dismissal under 28 U.S.C. § 1915A(b)(1).

KEY QUOTATIONS

“A complaint may be dismissed for failure to state a claim if it does not “contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” (II)

“Complaints filed by pro se litigants must be construed liberally.” (II)

“Section 1983 imposes liability on any person who, under color of state law, deprives another person “of any rights, privileges, or immunities secured by the Constitution and laws.” (III)

“Because adequate remedies are available under state law for the negligent or unauthorized deprivation of property by state correctional employees, Shabazz has no viable due process claim stemming from the loss of his shirt and wave cap.” (III)

“inmates do not have a federally protected interest in having grievances resolved to their satisfaction.” (III)

FACTUAL BACKGROUND

While incarcerated at Pocahontas State Correctional Center, Shabazz was placed in medical isolation for four days, after which an \$18.96 denim shirt and a \$3.60 wave cap were missing from his personal property. Prison officials determined through the grievance process that he should receive a monetary refund, but he had not received it by the time he filed suit despite repeated inquiries and assurances. He alleged that the defendants deprived him of property without due process and falsified documents concerning the reimbursement.

PROCEDURAL HISTORY

Shabazz filed a civil-rights complaint concerning the loss of personal property and the failure to issue a promised reimbursement. The court reviewed the complaint under the mandatory prisoner-screening provisions of 28 U.S.C. § 1915A(a), concluded that the complaint failed to state a claim under § 1915A(b)(1), and ordered dismissal.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570
- King v. Rubenstein, 825 F.3d 206, 214 (4th Cir.)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1278 (4th Cir. 1985)
- Thomas v. Salvation Army S. Terrace, 841 F.3d 632, 637 (4th Cir.)
- Safar v. Tingle, 859 F.3d 241, 245 (4th Cir.)
- West v. Atkins, 487 U.S. 42, 48
- Hudson v. Palmer, 468 U.S. 517, 533
- Doe v. Montgomery Cnty., 47 F. App'x 260, 261 (4th Cir.)
- Wadhams v. Proconier, 772 F.2d 75, 78 (4th Cir. 1985)
- Geiger v. Jowers, 404 F.3d 371, 374 (5th Cir.)
- Johnson v. Stone, No. 1:22-cv-00893, 2023 WL 7646510, at *3 (E.D. Va. Nov. 14, 2023)
- Booker v. S.C. Dep't of Corr., 855 F.3d 533, 541

OPINION

CLERKS OFFICE US DISTRICT COUR AT ROANOKE, VA FILED May 05, 2026 IN THE UNITED STATES DISTRICT COURT LAURA A. AUSTIN, CLERK FOR THE WESTERN DISTRICT OF VIRGINIA ev: M. Pott ROANOKE DIVISION KHALID RASHID SHABAZZ,) Plaintiff,) Case No. 7:26-cv-00224)) By: Michael F. Urbanski R. PERRY, et al.,) Senior United States District Judge Defendants.) MEMORANDUM OPINION Khalid Rashid Shabazz, a state inmate proceeding pro se, filed this civil action under 42 U.S.C. § 1983.

The case is currently before the court for review under 28 U.S.C. § 1915A(a). Having reviewed the complaint, the court concludes that it must be dismissed under § 1915A(b)(1). I. Background According to the complaint, Shabazz was placed in medical isolation for a four-day period in February 2025, while he was incarcerated at Pocahontas State Correctional Center (Pocahontas).

Compl, ECF No. 1, at 3. When he received his personal property upon being released from medical isolation, two items were missing: an \$18.96 denim shirt and a \$3.60 wave cap. Id. Shabazz subsequently filed a written complaint and a regular grievance regarding the missing items. Id. The grievance was determined to be resolvable, and Shabazz was advised that he would receive a monetary refund for both missing items.

Id. Shabazz was transferred to Bland Correctional Center on May 8, 2025. Id. As of that date, he had still not received the promised refund. Id. Consequently, Shabazz wrote letters to defendants R. Bevins and R. Perry regarding the issue. Id. at 4. Shabazz alleges that Bevins, a regional administrator for the Virginia Department of Corrections (VDOC), never responded to his correspondence and that Perry, a regional ombudsman, never attempted to assist him, even though “it was shown that prison employees were negligent in losing [his] personal property.” Id. at 4–5.

In July 2025, after being transferred to Keen Mountain Correctional Center, Shabazz filed another grievance complaining about the fact that he had not been reimbursed for his missing property. Id. at 5. The grievance was reviewed by defendant V. Williams, an assistant warden at Pocahontas. Id. at 6. Williams determined that the grievance was unfounded and that prison staff members were still waiting for the refund to be processed.

Id.; see also Compl. Ex., ECF No. 1-1 at 17. Shabazz appealed the grievance decision to Bevins, and Bevins determined that the grievance was resolvable. Compl. Ex., ECF No. 1-1 at 16. Bevins noted in his Level II response that Shabazz would be reimbursed for the lost or misplaced property. Id. In November 2025, Shabazz spoke to Bevins in person and told him that he had still not received a refund for the missing property.

Id. Bevins told Shabazz that he would personally “see to it” that the refund was issued. Id. Nonetheless, at the time this action was filed, nearly a year had passed since Shabazz’s property had been lost or misplaced, and he had still not received a refund. Id. at 7. Shabazz claims that he was deprived of property without due process in violation of the Fourteenth Amendment.

Id. He seeks to hold Perry, Bevins, and Williams liable for the alleged constitutional violation. He alleges that the defendants “lied and falsified state documents to cover up the fact that [he] was supposed to be reimbursed for his missing [or] lost property.” Id. at 9. II. Standard of Review The court is required to review a complaint in a civil action in which an inmate seeks redress from a governmental entity or agent.

28 U.S.C. § 1915A(a). The court must dismiss a complaint if it is “frivolous, malicious, or fails to state a claim upon which relief may be granted.” 28 U.S.C. § 1915A(b)(1). A complaint may be dismissed for failure to state a claim if it does not “contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl.*

Corp. v. Twombly, 550 U.S. 544, 570 (2007)). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* Complaints filed by pro se litigants must be construed liberally. *King v. Rubenstein*, 825 F.3d 206, 214 (4th Cir. 2016). “Principles requiring generous construction of pro se complaints are not, however, without limits.” *Beaudett v. City of Hampton*, 775 F.2d 1274, 1278 (4th Cir.

1985). A pro se complaint “still must contain enough facts to state a claim for relief that is plausible on its face.” *Thomas v. Salvation Army S. Terrace*, 841 F.3d 632, 637 (4th Cir. 2016) (internal quotation marks omitted). III. Discussion Section 1983 imposes liability on any person who, under color of state law, deprives another person “of any rights, privileges, or immunities secured by the Constitution and laws.” 42 U.S.C. § 1983.

The statute “is not an independent source of substantive rights, but simply a vehicle for vindicating preexisting constitutional and statutory rights.” *Safar v. Tingle*, 859 F.3d 241, 245 (4th Cir. 2017). “To state a claim under § 1983, a plaintiff must allege the violation of a right secured by the Constitution and laws of the United States, and must show that the alleged deprivation was committed by a person acting under color of state law.” *West v. Atkins*, 487 U.S. 42, 48 (1988).

Shabazz’s complaint fails to state a claim under § 1983 for at least two reasons. First, the Supreme Court has held that “a state actor’s unauthorized deprivation of an inmate’s prison account funds [or other property] ‘does not constitute a violation of the procedural requirements of the Due Process Clause of the Fourteenth Amendment if a meaningful post- deprivation remedy for the loss is available.’”) (quoting *Hudson v. Palmer*, 468 U.S. 517, 533 (5th Cir.

2020)); see also *Doe v. Montgomery Cnty.*, 47 F. App’x 260, 261 (4th Cir. 2002) (noting that “negligent or intentional deprivations of property by a state employee do not state a claim of constitutional magnitude when there is an adequate post-deprivation remedy”).

Under the Virginia Tort Claims Act (VTCA), the Commonwealth of Virginia is liable for claims for damages resulting from “damage to or loss of property... caused by the negligent or wrongful act or omission of any [state] employee while acting within the scope of his employment.” Va. Code § 8.01-195.3 The United States Court of Appeals for the Fourth Circuit has held that the VTCA and Virginia tort law provide adequate post-deprivation remedies for torts committed by state employees.

See *Wadhams v. Procunier*, 772 F.2d 75, 78 (4th Cir. 1985). Because adequate remedies are available under state law for the negligent or unauthorized deprivation of property by state correctional employees, Shabazz has no viable due process claim stemming from the loss of his shirt and wave cap.

To the extent Shabazz alleges that the defendants deprived him of due process by failing to adequately respond to his complaints and grievances regarding the promised refund, such claim is also subject to dismissal. While Shabazz is understandably frustrated, inmates do not have a federally protected interest in having grievances resolved to their satisfaction.

Geiger v. Jowers, 404 F.3d 371, 374 (5th Cir. 2005); see also *Johnson v. Stone*, No. 1:22-cv-00893, 2023 WL 7646510, at *3 (E.D. Va. Nov. 14, 2023) (explaining that the “mere denial of an internal complaint or grievance does not support any viable due process claim, as ‘inmates have no constitutional entitlement or due process interest in access to a grievance procedure’”) (quoting *Booker v. S.C.*

Dep’t of Corr., 855 F.3d 533, 541 (th Cir. 2017)). Thus, the defendants’ responses to his complaints and grievances did not violate any constitutionally protected right. IV. Conclusion For these reasons, the court concludes that the complaint must be dismissed under 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted. An appropriate order will be entered.

Entered: May 4, 2026 Michael F. Urbanski yee U.S. District Judge 2026.05.04 17:50:10 -04'00'
Michael F. Urbanski Senior United States District Judge