

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PRECEDENTIAL VALUE	unpublished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. Procunier, 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