

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

Wesley Thomas Gallop, Jr. v. M.E. Cordle

Gallop · No. 7:25-cv-00321 · Decided April 8, 2026

SUMMARY

The United States District Court for the Western District of Virginia grants Defendant M.E. Cordle’s motion to dismiss a prisoner’s 42 U.S.C. § 1983 procedural due process claim. The court holds that the alleged consequences of Gallop’s institutional disciplinary conviction—including loss of telephone privileges, loss of a prison job, transfer, security reclassification, and designation as a high-risk sexual aggressor—did not establish a protected liberty interest or an atypical and significant hardship under the Due Process Clause. The court directs the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Roanoke Division
WRITING FOR THE COURT	Jasmine H. Yoon
JURISDICTION	United States District Court for the Western District of Virginia, Roanoke Division
DECIDED	April 8, 2026
DOCKET	7:25-cv-00321
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff, an incarcerated pro se litigant, brought a 42 U.S.C. § 1983 procedural due process action concerning an institutional disciplinary conviction. Defendant moved to dismiss under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court tests the legal sufficiency of the complaint, accepts well-pleaded factual allegations as true, construes pro se pleadings liberally, and determines whether the complaint states a plausible claim for relief. Legal conclusions and unsupported assertions need not be accepted as true.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; persuasive only

TOPICS

section 1983

prisoners rights

procedural due process

motions to dismiss

fourteenth amendment

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether Gallop's alleged loss of telephone privileges, prison employment, security-classification change and transfer, reduced prospects for discretionary parole or pardon, and high-risk sexual-aggressor designation established a protected liberty interest under the Fourteenth Amendment.
2. Whether Gallop stated a procedural due process claim under 42 U.S.C. § 1983 based on the denial of video evidence and the resulting disciplinary conviction.

HOLDINGS

1. A prisoner cannot state a federal procedural due process claim unless he first identifies a protected liberty or property interest and shows that the interest was deprived without constitutionally adequate process.
2. The alleged loss of telephone privileges and prison employment, transfer and reclassification, reduced prospects for discretionary parole or pardon, and high-risk sexual-aggressor designation did not establish a protected liberty interest.

KEY QUOTATIONS

“Without a protected liberty or property interest, there can be no federal procedural due process claim.”

FACTUAL BACKGROUND

While incarcerated at Keen Mountain Correctional Center, Gallop was charged with an institutional infraction for sexual assault or making a forcible sexual advance toward another inmate. Before his disciplinary hearing, he requested review of video evidence that he claimed would show the touching was consensual, but hearing officer Cordle denied the request. Gallop was convicted and lost telephone privileges for 120 days; he also alleged collateral consequences including loss of a prison job, transfer to a higher-security institution, reduced prospects for parole or pardon, and designation as a high-risk sexual aggressor.

PROCEDURAL HISTORY

Gallop filed an amended complaint alleging that hearing officer M.E. Cordle denied him access to potentially exculpatory video evidence before finding him guilty of an institutional sexual-assault-related infraction. Cordle moved to dismiss for failure to identify a protected liberty interest. The district court granted the motion and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Randall v. United States, 30 F.3d 518, 522 (4th Cir. 1994)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 554, 556 (2007)
- Nemet Chevrolet, Ltd. v. Consumeraffairs.com, Inc., 591 F.3d 250, 255 (4th Cir. 2009)
- King v. Rubenstein, 825 F.3d 206, 214 (4th Cir. 2016)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1278 (4th Cir. 1985)
- Jackson v. Lightsey, 775 F.3d 170, 178 (4th Cir. 2014)
- Hunt v. City of Toledo Law Department, 881 F. Supp. 2d 854, 867 (N.D. Ohio 2012)
- Prieto v. Clarke, 780 F.3d 245, 248 (4th Cir. 2015)
- Martin v. Duffy, 858 F.3d 239, 253 (4th Cir. 2017)
- Hewitt v. Helms, 459 U.S. 460, 468 (1983)
- Montanye v. Haymes, 427 U.S. 236, 242 (1976)
- Sandin v. Conner, 515 U.S. 472, 483-84 (1995)
- Garrett v. Angelone, 940 F. Supp. 933, 943 (W.D. Va. 1996)
- Wolff v. McDonnell, 418 U.S. 539, 557 (1974)
- Diggs v. Johnson, No. 7:24-cv-00361, 2024 WL 4681622, at *3 (W.D. Va. Nov. 5, 2024)
- Jones v. Andrews, No. 1:20-cv-00251, 2020 WL 4809440, at *5 (E.D. Va. Aug. 18, 2020)
- Robles v. Sturdivant, No. 7:14-cv-00070, 2014 WL 4853409, at *1 (W.D. Va. Mar. 27, 2014), *aff'd*, 583 F. App'x 129 (4th Cir. 2014)
- Altizer v. Paderick, 569 F.2d 812, 813 (4th Cir. 1978)
- Alley v. Angelone, 962 F. Supp. 827, 834 (E.D. Va. 1997)
- Woodhouse v. Clarke, No. 7:19-cv-00634, 2021 WL 1216889, at *5 (W.D. Va. Mar. 31, 2021)
- Neal v. Shimoda, 131 F.3d 818, 828 (9th Cir. 1997)
- Neals v. Norwood, 59 F.3d 530, 533 (5th Cir. 1995)
- Shelton v. Angelone, 183 F. Supp. 2d 830, 839 (W.D. Va. 2002)
- Meachum v. Fano, 427 U.S. 215, 225 (1976)
- Gaston v. Taylor, 946 F.2d 340, 344 (4th Cir. 1991)
- Kentucky Department of Corrections v. Thompson, 490 U.S. 454, 460 (1989)
- Nahwooksy v. Elam, No. 7:18-cv-00479, 2020 WL 1529374, at *4 (W.D. Va. Mar. 30, 2020)
- Griffin v. Virginia, No. 7:07-cv-0041, 2008 WL 2944553, at *3-*4 (W.D. Va. July 29, 2008)
- Taylor v. Clore, No. 7:07-cv-00448, 2007 WL 2892681, at *2 (W.D. Va. Sept. 28, 2007)
- Thomas v. Heinritz, No. 1:24-cv-00082, 2024 WL 910376, at *7-*8 (W.D. Mich. Mar. 4, 2024)
- Gadeson v. Reynolds, No. C/A 208-3702-CMC-RSC, 2009 WL 4572872, at *4 (D.S.C. Dec. 4, 2009), *aff'd*, 392 F. App'x 234 (4th Cir. 2010)

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