

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

Matthew Scott Howard v. Chad Kilgore, et al.

Howard · No. 7:25-cv-00150 · Decided January 29, 2026

SUMMARY

The United States District Court for the Western District of Virginia dismissed without prejudice Matthew Scott Howard’s 42 U.S.C. § 1983 claims concerning alleged denial of participation in a Medication Assisted Treatment program and inadequate medical care while detained. The court held that the complaint failed to allege sufficient personal involvement by the named defendants and did not plausibly state a constitutional claim. The claims against an unserved defendant were also dismissed without prejudice.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Roanoke Division
WRITING FOR THE COURT	Elizabeth K. Dillon
JURISDICTION	United States District Court for the Western District of Virginia, Roanoke Division
DECIDED	January 29, 2026
DOCKET	7:25-cv-00150
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff proceeding pro se under 42 U.S.C. § 1983 alleged deliberate indifference to serious medical needs and possible equal-protection violations. Five defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6); a sixth defendant was not served. The court granted the motions and dismissed the claims against all defendants without prejudice.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court evaluates the complaint's legal and factual sufficiency, accepts well-pleaded factual allegations as true, draws reasonable inferences in favor of the nonmoving party, and determines whether the complaint contains sufficient factual matter to state a claim that is plausible on its face. Legal conclusions, unwarranted inferences, unreasonable conclusions, and arguments

need not be accepted as true. Pro se pleadings are construed liberally but must still satisfy the plausibility requirement.

PRECEDENTIAL VALUE

unpublished district court memorandum opinion

TOPICS

motions to dismiss

section 1983

prisoners rights

civil rights

due process

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

constitutional law

QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged personal involvement by each defendant in a constitutional violation under 42 U.S.C. § 1983.
2. Whether the complaint stated a plausible Eighth or Fourteenth Amendment medical-treatment claim or an equal-protection claim.
3. Whether the claims against the unserved defendant Howard Carlton should be dismissed without prejudice after Howard failed to provide sufficient information to complete service.

HOLDINGS

1. A § 1983 claim must include factual details showing each defendant's personal involvement in the alleged constitutional violation; general or collective allegations and merely naming a defendant in the caption are insufficient.
2. To survive a Rule 12(b)(6) motion, a complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face; liberal construction of a pro se complaint does not eliminate this requirement.
3. Claims against an unserved defendant may be dismissed without prejudice when the plaintiff fails to provide sufficient additional information necessary to complete service after being ordered to do so.

KEY QUOTATIONS

“must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” (Section II.A)

“Liability under § 1983 is “personal, based upon each defendant’s own constitutional violations.”” (Section II.B)

“Plaintiff’s arguments in opposition to the motion to dismiss cannot be used as a method to amend the deficiencies in his complaint.” (Section II.B)

FACTUAL BACKGROUND

Howard was detained at the Southwest Virginia Regional Jail in Abingdon and alleged that jail officials denied him participation in a medication-assisted-treatment program. He also alleged faulty drug testing, mishandling or delayed delivery of medications, untimely responses to sick calls, deterioration of his health, and an abscess that could be life-threatening. The complaint did not identify specific conduct by any named defendant beyond listing the defendants in the caption.

PROCEDURAL HISTORY

Howard filed a § 1983 complaint concerning his detention and alleged denial of participation in a medication-assisted-treatment program and inadequate medical care at the Southwest Virginia Regional Jail. Defendants Chad Kilgore and Brian Parks, and separately the medical defendants Crystal Large, Heather Greear, and Gregory Haynes, moved to dismiss. Defendant Howard Carlton was not served after the court directed Howard to provide additional identifying information, and the court dismissed the claims against Carlton without prejudice.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 677–80 (2009)
- Beel Atl. Corp. v. Twombly, 550 U.S. 544, 555–63 (2007)
- Giarratano v. Johnson, 521 F.3d 298, 302 (4th Cir.)
- Nemet Chevrolet, Ltd. v. Consumeraffairs.com, Inc., 591 F.3d 250, 255 (4th Cir.)
- King v. Rubenstein, 825 F.3d 206, 214 (4th Cir.)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1278 (4th Cir.)
- Jackson v. Lightsey, 775 F.3d 170, 178 (4th Cir.)
- Loftus v. Bobzien, 848 F.3d 278, 284–85 (4th Cir.)
- Trulock v. Freeh, 275 F.3d 391, 402 (4th Cir.)
- Wilcox v. Brown, 877 F.3d 161, 170 (4th Cir.)
- Newkirk v. Cir. Ct. of City of Hampton, No. 3:14-cv-372-HEH, 2014 WL 4072212, at *2 (E.D. Va. Aug. 14, 2014)
- Langford v. Joyner, 62 F.4th 122, 125 (4th Cir.)
- Rhoads v. Guilford Cnty., N.C., 751 F. Supp. 3d 590, 607 n.14 (M.D.N.C. 2024)
- Blackman v. Boston Whaler, Inc., 649 F. Supp. 3d 142, 148 (E.D.N.C. 2023)
- Swierkiewicz v. Sorema N.A., 534 U.S. 506, 512 (2002)

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