

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, RICHMOND DIVISION

Kevin Jacob Hahn v. Sergeant Wells, et al.

Civil Action No. 3:25CV508 · No. Civil Action No. 3:25CV508 · Decided December 10, 2025

SUMMARY

The United States District Court for the Eastern District of Virginia dismissed without prejudice a pro se prisoner’s 42 U.S.C. § 1983 action. The court held that the complaint failed to identify the constitutional right allegedly violated and did not provide each defendant fair notice of the factual and legal basis for liability; the plaintiff then failed to file the ordered particularized complaint.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Richmond Division
WRITING FOR THE COURT	John A. Gibney, Jr.
JURISDICTION	United States District Court for the Eastern District of Virginia, Richmond Division
DECIDED	December 10, 2025
DOCKET	Civil Action No. 3:25CV508
DISPOSITION	dismissed
PROCEDURAL POSTURE	A Virginia inmate proceeding pro se and in forma pauperis filed a 42 U.S.C. § 1983 action. After the court ordered him to file a particularized complaint and warned that noncompliance would result in dismissal, he failed to respond.
PRECEDENTIAL VALUE	unpublished
PARTIES	Kevin Jacob Hahn v. Sergeant Wells, et al.

TOPICS

- section 1983
- pleadings
- civil rights
- civil procedure

PRACTICE AREAS

- civil rights
- civil procedure
- constitutional law

QUESTIONS PRESENTED

1. Whether the plaintiff's failure to submit a particularized complaint after being ordered and warned that noncompliance would result in dismissal warranted dismissal of the § 1983 action.
2. Whether the original complaint adequately stated a viable claim under 42 U.S.C. § 1983.

HOLDINGS

1. A viable claim under 42 U.S.C. § 1983 requires allegations that a person acting under color of state law deprived the plaintiff of a constitutional right or a right conferred by federal law. The complaint failed to satisfy this requirement because it did not identify the constitutional right allegedly violated.
2. Dismissal without prejudice was warranted because the plaintiff failed to submit the ordered particularized complaint or otherwise respond within the prescribed thirty-day period after being warned that noncompliance would result in dismissal.
3. The complaint failed to provide each defendant fair notice of the facts and legal basis upon which liability rested.

FACTUAL BACKGROUND

Hahn, a Virginia inmate, filed a pro se and in forma pauperis action under 42 U.S.C. § 1983. His complaint did not identify the constitutional right allegedly violated or provide each defendant fair notice of the facts and legal basis for liability. After being ordered to file a particularized complaint within thirty days, Hahn failed to do so or otherwise respond.

PROCEDURAL HISTORY

The court previously determined that the complaint did not identify the constitutional right allegedly violated and did not provide each defendant fair notice of the factual and legal basis for liability. On October 29, 2025, it ordered Hahn to submit a particularized complaint within thirty days and warned that failure to do so would result in dismissal. Hahn did not submit the required complaint or otherwise respond, so the action was dismissed without prejudice.

DISPOSITION

dismissed

CASES CITED

- Dowe v. Total Action Against Poverty in Roanoke Valley, 145 F.3d 653, 658 (4th Cir. 1998)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Conley v. Gibson, 355 U.S. 41, 47 (1957)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division KEVIN JACOB HAHN, Plaintiff, v. Civil Action No. 3:25CV508

SERGEANT WELLS, et al. Defendants. MEMORANDUM OPINION The plaintiff, a Virginia inmate proceeding pro se and in forma pauperis, filed this 42 U.S.C. § 1983 action.

In order to state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. See *Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983).

In his current complaint, the plaintiff does not identify the constitutional right that was violated by the defendants' conduct. The plaintiffs current allegations also fail to provide each defendant with fair notice of the facts and legal basis upon which his or her liability rests. See *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)).

Accordingly, by Memorandum Order entered on October 29, 2025, the Court directed the plaintiff to submit a particularized complaint within thirty (30) days of the date of entry thereof. The Court warned the plaintiff that the failure to submit the particularized complaint would result in the dismissal of the action. More than thirty (30) days have elapsed since the entry of the October 29, 2025 Memorandum Order.

The plaintiff failed to submit a particularized complaint or otherwise respond to the October 29, 2025 Memorandum Order. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE. An appropriate Order will accompany this Memorandum Opinion. Date: 10/25/2025 Richmond, Virginia
fa S. John A. Gibney, Jr. Senior United States District Judge