

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

Aaron James Brennan v. J. Sisk, et al.

Brennan · No. 7:25-cv-00755 · Decided February 10, 2026

SUMMARY

The United States District Court for the Western District of Virginia dismissed Aaron James Brennan’s pro se 42 U.S.C. § 1983 complaint without prejudice under 28 U.S.C. § 1915A(b)(1). Brennan alleged that prison disciplinary proceedings violated due process and sought backpay, removal of the disciplinary conviction, and transfer to a Level III facility. The court held that loss of a prison job and classification or housing at a particular security level did not implicate a protected liberty or property interest.

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	February 10, 2026
DOCKET	7:25-cv-00755
DISPOSITION	dismissed
PROCEDURAL POSTURE	A Virginia inmate proceeding pro se brought a 42 U.S.C. § 1983 action alleging denial of procedural due process in connection with a prison disciplinary charge. The district court screened the complaint under 28 U.S.C. § 1915A(a) and dismissed it without prejudice under § 1915A(b)(1) for failure to state a claim.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss an inmate complaint that is frivolous, malicious, or fails to state a claim. For failure to state a claim, the complaint must contain sufficient factual matter, accepted as true, to state a plausible claim for relief. Pro se pleadings are construed liberally but still must satisfy the plausibility requirement.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court memorandum opinion

PARTIES

Aaron James Brennan v. J. Sisk, Israel Hamilton

TOPICS

prisoners rights

section 1983

procedural due process

due process

civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether Brennan plausibly alleged a procedural due process violation arising from the prison disciplinary proceedings.
2. Whether the loss of a prison job or classification and placement at a particular security level or correctional facility constitutes a protected liberty or property interest triggering due process protections.
3. Whether the complaint stated a plausible claim under 42 U.S.C. § 1983 sufficient to survive screening under 28 U.S.C. § 1915A.

HOLDINGS

1. An inmate does not have a constitutionally protected liberty or property interest in a prison job absent a state law or policy creating a legitimate claim of entitlement to continued prison employment.
2. The Constitution does not confer a protected liberty interest in classification at a particular security level or housing in a specific correctional facility, and Brennan did not plausibly allege a state-created interest in either.
3. The complaint failed to state a procedural due process claim because Brennan did not plausibly allege deprivation of a protected liberty or property interest.

KEY QUOTATIONS

“In short, Brennan’s complaint does not set forth facts from which the court could reasonably conclude that he was deprived of a protected liberty or property interest as a result of the challenged disciplinary action.”

“Consequently, the complaint fails to state a claim for denial of due process.”

FACTUAL BACKGROUND

Brennan, an inmate at Keen Mountain Correctional Center, was terminated from his prison kitchen job and charged with possessing or using an unauthorized communication device after such a device was found in a kitchen area. He alleged that he was not timely given a copy of the disciplinary offense report, that his witness and evidence requests were denied, and that he was charged under the wrong offense code. A hearings officer found him guilty, and the warden upheld the conviction. Brennan claimed that the disciplinary action violated due process and sought backpay, removal of the conviction from his record, and transfer to a Level III facility.

PROCEDURAL HISTORY

Brennan was charged with possessing or using an unauthorized communication device, found guilty at a prison disciplinary hearing, and unsuccessfully appealed to the warden. He then filed this § 1983 action seeking backpay for the loss of his prison job, removal of the disciplinary conviction from his record, and transfer to a Level III facility. The district court conducted the required prisoner-complaint screening and dismissed the complaint without prejudice.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- King v. Rubenstein, 825 F.3d 206, 214 (4th Cir. 2016)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1278 (4th Cir. 1985)
- Sakyi v. Nationstar Mortg., LLC, 770 F. App'x 113, 113 (4th Cir. 2019)
- Jackson v. Lightsey, 775 F.3d 170, 178 (4th Cir. 2014)
- Safar v. Tingle, 859 F.3d 241, 245 (4th Cir. 2017)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Prieto v. Clarke, 780 F.3d 245, 248 (4th Cir. 2015)
- Experimental Holdings, Inc. v. Farris, 503 F.3d 514, 519 (6th Cir. 2007)
- Wolff v. McDonnell, 418 U.S. 539 (1974)
- Brown v. Braxton, 373 F.3d 501, 504 (4th Cir. 2004)
- Lennear v. Wilson, 937 F.3d 257, 268 (4th Cir. 2019)
- Bd. of Regents v. Roth, 408 U.S. 564, 570 (1972)
- Wilkinson v. Austin, 545 U.S. 209, 221 (2005)
- Sandin v. Conner, 515 U.S. 472, 481–82 (1995)
- Brown v. Stapleton, 142 F.4th 252, 256 (4th Cir. 2025)
- Backus v. Ward, No. 98-6331, 1998 WL 372377, at *1 (4th Cir. June 8, 1998)
- Bulger v. United States Bureau of Prisons, 65 F.3d 48, 50 (5th Cir. 1995)
- DeWalt v. Carter, 224 F.3d 607, 613 (7th Cir. 2000)
- James v. Quinlan, 866 F.2d 627, 629–30 (3d Cir. 1989)
- Meachum v. Fano, 427 U.S. 215, 225 (1976)
- Cartagena v. Lovell, 103 F.4th 171, 184 (4th Cir. 2024)

OPINION

CLERK'S OFFICE U.S. DIST. COUR AT ROANOKE, VA FILED February 10, 2026 IN THE UNITED STATES DISTRICT COURT LAURA A. AUSTIN, CLERK FOR THE WESTERN

DISTRICT OF VIRGINIA ☐☐ Beeson ROANOKE DIVISION DEPUTY' CLERK AARON JAMES BRENNAN,) Plaintiff,) Case No. 7:25-cv-00755)) By: Michael F. Urbanski J. SISK, et al.,) Senior United States District Judge Defendants.) MEMORANDUM OPINION Aaron James Brennan, a Virginia inmate proceeding pro se, filed this civil action under 42 U.S.C. § 1983 against two correctional officials at Keen Mountain Correctional Center: Hearings Officer J. Sisk and Warden Israel Hamilton.

The case is now before the court for review under 28 U.S.C. § 1915A(a). For the following reasons, the court concludes that the complaint must be dismissed for failure to state a claim upon which relief may be granted.

I. Background According to the complaint, on June 10, 2025, Brennan was terminated from his prison kitchen job and charged with Virginia Department of Corrections (VDOC) Offense Code 131 (possession or use of unauthorized communication devices). Compl., ECF No. 1, at 4. Five other inmates assigned to the area of the kitchen in which the unauthorized device was found received the same charge.

Id. Brennan was notified of the charge at approximately 7:30 p.m. on June 10, 2025, but he did not receive a copy of the disciplinary offense report at that time. Id. The following day, Brennan submitted a witness request form and two evidence request forms. Id. Brennan alleges that all three requests were denied and that he did not receive a copy of the charge prior to his disciplinary hearing.

Id. at 4–5. During the disciplinary hearing, Brennan argued that the failure to provide a copy of the charge violated VDOC Operating Procedure 861.1 and his right to due process. Id. Brennan also argued that he was charged with the wrong offense code and that he had not worked in the area in which the device at issue had been found in four months. Id. at 5.

Hearings Officer Sisk rejected Brennan's arguments and found him guilty of the offense. Id. at 5. Brennan appealed the conviction, and Warden Israel upheld Sisk's decision. Id. In the present action, Brennan claims that he was denied due process in connection with the disciplinary charge. He seeks to recover "\$50/week" in "backpay since [his] termination." Id. at 8.

He also seeks an order requiring that the disciplinary conviction be removed from his inmate record and that he be transferred to a Level III correctional facility. Id. 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 employee. 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). To survive dismissal for failure to state a claim, "a complaint must 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.* A complaint filed by a pro se litigant 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 “must still ‘state a claim to relief that is plausible on its face.’” *Sakyi v. Nationstar Mortg., LLC*, 770 F. App’x 113, 113 (4th Cir 2019) (quoting *Jackson v. Lightsey*, 775 F.3d 170, 178 (4th Cir. 2014)). III. Discussion Brennan filed suit against the defendants under 42 U.S.C. § 1983. 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).

Brennan claims that he was denied due process in connection with the disciplinary offense with which he was charged. The Due Process Clause of the Fourteenth Amendment provides that no state shall “deprive any person of life, liberty, or property, without due process of law.” U.S. Const. amend. XIV, § 1. “To state a procedural due process violation, a plaintiff must (1) identify a protected liberty or property interest and (2) demonstrate deprivation of that interest without due process of law.” *Prieto v. Clarke*, 780 F.3d 245, 248 (4th Cir.

2015). In the absence of a protected liberty or property interest, “there can be no federal procedural due process claim.” *Experimental Holdings, Inc. v. Farris*, 503 F.3d 514, 519 (6th Cir. 2007). In *Wolff v. McDonnell*, 418 U.S. 539 (1974), “the Supreme Court considered how prison disciplinary hearings must be structured in order to comport with the demands of the Due Process Clause of the Fourteenth Amendment.” *Brown v. Braxton*, 373 F.3d 501, 504 (4th Cir.

2004). “The Supreme Court held that in a disciplinary proceeding in which an inmate’s liberty interests are at stake, government officials must provide the inmate with written notice of the charges at least 24 hours before the hearing as well as a written report after the hearing detailing the evidence relied upon and the reasons for the disciplinary action.” *Lennear v. Wilson*, 937 F.3d 257, 268 (4th Cir.

2019). The Supreme Court “further recognized that, in such proceedings, an inmate has a qualified right ‘to call witnesses and present documentary evidence in his defense.’” *Id.* (quoting *Wolff*, 418

U.S. at 566). The procedural protections outlined in *Wolff* apply only when a disciplinary action implicates a protected interest. See *Bd. of Regents v. Roth*, 408 U.S. 564, 570, (1972) (“The requirements of procedural due process apply only to the deprivation of interests encompassed by the Fourteenth Amendment’s protection of liberty and property.”).

A protected liberty interest may arise from the Constitution itself or through state laws or policies. *Wilkinson v. Austin*, 545 U.S. 209, 221 (2005). To establish a state-created liberty interest, an inmate in Virginia must “point to a Virginia law or policy providing him with an expectation of avoiding the conditions of his confinement and demonstrate that those conditions are harsh and atypical in relation to the ordinary incidents of prison life.” *Prieto*, 780 F.3d at 252; see also *Sandin v. Conner*, 515 U.S. 472, 481–82 (1995). “[P]roperty interests ‘are created... by existing rules or understandings that stem from an independent source such as state law.’” *Brown v. Stapleton*, 142 F.4th 252, 256 (4th Cir.

2025) (quoting *Roth*, 408 U.S. 577). “To have a property interest in a benefit, a person... must have more than a unilateral expectation of it. He must, instead, have a legitimate claim of entitlement to it.” *Roth*, 408 U.S. at 577.

Here, Brennan asserts that he lost his prison job as a result of the disciplinary charge and that the charge is preventing him from transferring to a Level III prison. However, neither of these consequences implicates the protections afforded by the Due Process Clause. Appellate courts, including the United States Court of Appeals for the Fourth Circuit, have long held that an inmate does “not have a constitutionally protected liberty or property interest in his prison job,” and Brennan does not point to any state law or policy that confers a legitimate claim of entitlement to continued employment while in the custody of the VDOC.

Backus v. Ward, No. 98-6331, 1998 WL 372377, at *1 (4th Cir. June 8, 1998) (citing *Sandin*, 515 U.S. at 486–87; *Bulger v. United States Bureau of Prisons*, 65 F.3d 48, 50 (5th Cir. 1995)); see also *DeWalt v. Carter*, 224 F.3d 607, 613 (7th Cir. 2000); *James v. Quinlan*, 866 F.2d 627, 629–30 (3d Cir. 1989). Similarly, the Constitution itself confers no protected interest in being classified at a particular security level, see *Meachum v. Fano*, 427 U.S. 215, 225 (1976), and Brennan does not plausibly allege that he has a state-created liberty interest in being classified at a particular security level or housed in a specific correctional facility.

In short, Brennan’s complaint does not set forth facts from which the court could reasonably conclude that he was deprived of a protected liberty or property interest as a result of the challenged disciplinary action. Consequently, the complaint fails to state a claim for denial of due process. See *Cartagena v. Lovell*, 103 F.4th 171, 184 (4th Cir. 2024) (“[B]ecause he failed to plead a liberty interest, the Due Process Clause requires no process.....”).

IV. Conclusion For the reasons stated, the complaint is DISMISSED without prejudice 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: February 10, 2026 Michael F. Urbanski U.S. District Judge 2026.02.10 11:06:43 -05'00' Michael F. Urbanski Senior United States District Judge

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