

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Benjamin Forrest Carter v. Beth Cabell

Carter v. Cabell · No. Nos. 24-6706 and 24-6741 · Decided August 4, 2026

SUMMARY

The Fourth Circuit held that Benjamin Carter’s First Amendment retaliation claims were not barred by the Prison Litigation Reform Act because he exhausted available administrative remedies before asserting those claims for the first time in his amended complaint. The court remanded the Eighth Amendment claims for the district court to determine whether administrative remedies were genuinely available to Carter. It also held that the district court erred in dismissing certain Eighth and First Amendment claims for failure to state a claim, vacated the judgment, and remanded for further proceedings.

CASE DETAILS

COURT	United States Court of Appeals for the Fourth Circuit
WRITING FOR THE COURT	Pamela Harris; Niemeyer; Berner
JURISDICTION	Federal
DECIDED	August 4, 2026
DOCKET	Nos. 24-6706 and 24-6741
DISPOSITION	vacated_and_remanded
PROCEDURAL POSTURE	Carter appealed the district court's grant of summary judgment to the defendants for failure to exhaust administrative remedies under the Prison Litigation Reform Act and the court's alternative dismissals of certain claims for failure to state a claim.
STANDARD OF REVIEW	Summary judgment and dismissals for failure to state a claim were reviewed de novo. For the claim-screening and Rule 12(b)(6) issues, the court accepted well-pleaded allegations as true, drew reasonable inferences for Carter, and liberally construed his pro se amended complaint.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Benjamin Forrest Carter v. Beth Cabell, Kevin McCoy, Joshua Branch, John Does, Commonwealth of Virginia, Harold W. Clarke

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QUESTIONS PRESENTED

1. Whether the filing date of an amended complaint controls the PLRA exhaustion analysis for claims raised for the first time in that amended complaint after administrative remedies were exhausted.
2. Whether the record established that administrative remedies for Carter's Eighth Amendment claims were unavailable under *Ross v. Blake*.
3. Whether Carter adequately alleged supervisory liability against VDOC Director Harold W. Clarke.
4. Whether Carter adequately alleged First Amendment retaliation claims against Kevin McCoy and Beth Cabell.

HOLDINGS

1. When a prisoner files an original complaint before exhausting administrative remedies but later files an amended complaint raising a new claim for the first time after exhaustion is complete, the filing date of the amended complaint controls the PLRA exhaustion analysis for that new claim.
2. The court did not decide whether Carter's Eighth Amendment claims were exhausted because the district court had not determined whether the VDOC grievance process was actually available to Carter. The issue was remanded for initial consideration and factual development.
3. A plaintiff alleging supervisory liability need not show that the supervisor knew the plaintiff personally was subject to unconstitutional conditions; alleging that the supervisor had actual or constructive knowledge that a subordinate posed a pervasive and unreasonable risk of constitutional injury to persons like the plaintiff may satisfy the knowledge element.
4. Carter plausibly stated First Amendment retaliation claims against McCoy and Cabell because his allegations could support an inference that they participated in denying his transfer after he engaged in protected activity by filing complaints.

KEY QUOTATIONS

"If a prisoner like Carter files a complaint in federal court before exhausting his administrative remedies, but subsequently files an amended complaint raising a new claim as to which exhaustion has been completed, the PLRA's exhaustion requirement does not bar the newly asserted, exhausted claims from proceeding." (3)

"We hold only that Carter's First Amendment claim, because it was not raised in court until after it was exhausted, may proceed consistent with § 1997e(a) of the PLRA." (18)

"Carter was not required to show that Clarke was monitoring his incarceration, in particular, and was aware that he, specifically, was subject to unconstitutional conditions." (22-23)

FACTUAL BACKGROUND

Carter was incarcerated in the Restrictive Housing Unit at Sussex State Prison and alleged that the conditions of confinement were unconstitutional, particularly in light of his serious mental illnesses. He submitted informal complaints and regular grievances concerning the conditions and alleged that prison officials retaliated against him after he sought reclassification and transfer out of restrictive housing. He filed his original federal complaint before the grievance process was complete, but filed an amended complaint after exhaustion was completed and added First Amendment retaliation claims based on alleged statements by prison officials.

PROCEDURAL HISTORY

Carter initially filed a pro se complaint alleging Eighth Amendment conditions-of-confinement claims while his prison grievances were still pending. After the grievances were completed, he filed an amended complaint that reasserted the Eighth Amendment claims and added First Amendment retaliation claims. The Eastern District of Virginia dismissed one claim during screening, later granted summary judgment to the remaining defendants on exhaustion grounds, and alternatively dismissed certain claims for failure to state a claim. The Fourth Circuit vacated and remanded.

DISPOSITION

vacated_and_remanded

REMAND INSTRUCTIONS

The district court must consider in the first instance whether VDOC administrative remedies were genuinely available to Carter for his Eighth Amendment claims, including any appropriate discovery and factual development concerning the operation of the grievance process and alleged retaliation or intimidation. The court must also reconsider the supervisory-liability claim against Clarke under the correct knowledge standard and may address other merits arguments as appropriate.

CASES CITED

- Ross v. Blake, 578 U.S. 632 (2016)
- Porter v. Clarke, 923 F.3d 348 (4th Cir. 2019)
- Carter v. Cabell, 2024 WL 1356670 (E.D. Va. Mar. 29, 2024)
- Hardin v. Hunt, 2023 WL 3969989 (4th Cir. June 13, 2023)
- Gowen v. Winfield, 130 F.4th 162 (4th Cir. 2025)
- Jones v. Bock, 549 U.S. 199 (2007)
- Saddozai v. Davis, 35 F.4th 705 (9th Cir. 2022)
- Garrett v. Wexford Health, 938 F.3d 69 (3d Cir. 2019)
- Barnes v. Briley, 420 F.3d 673 (7th Cir. 2005)
- Chambers v. Sood, 956 F.3d 979 (7th Cir. 2020)
- Mattox v. Edelman, 851 F.3d 583 (6th Cir. 2017)
- May v. Segovia, 929 F.3d 1223 (10th Cir. 2019)
- Woodford v. Ngo, 548 U.S. 81 (2006)

- Jackson v. Fong, 870 F.3d 928 (9th Cir. 2017)
- Griffin v. Bryant, 56 F.4th 328 (4th Cir. 2022)
- Doe v. N.C. State Univ., 125 F.4th 498 (4th Cir. 2025)
- Jehovah v. Clarke, 798 F.3d 169 (4th Cir. 2015)
- Shaw v. Stroud, 13 F.3d 791 (4th Cir. 1994)
- United States v. Sineneng-Smith, 590 U.S. 371 (2020)

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