

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA

Kendall D. Wysinger v. Mr. S. Bryson, et al.

Wysinger v. Bryson, No. 7:24-cv-00350 (W.D. Va. Feb. 10, 2026) · No. 7:24-cv-00350 · Decided February 10, 2026

SUMMARY

The United States District Court for the Western District of Virginia granted defendants’ motion to dismiss or for summary judgment in a pro se federal inmate’s action concerning the loss of gold dental crowns while he was housed at USP Lee. The court rejected or dismissed the asserted Bivens, FTCA, and 31 U.S.C. § 3723 claims, concluding that the constitutional claims were not viable, the FTCA claim was barred by the law-enforcement exception and improper defendant designation, and the administrative property claim was not judicially reviewable. The court denied the remaining motions as moot.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia
WRITING FOR THE COURT	Michael F. Urbanski
JURISDICTION	United States District Court for the Western District of Virginia
DECIDED	February 10, 2026
DOCKET	7:24-cv-00350
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff, a federal inmate proceeding pro se, brought claims concerning the alleged loss or mishandling of gold dental crowns. Defendants moved to dismiss or for summary judgment under Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 56. The court granted the motion.
STANDARD OF REVIEW	Under Rule 12(b)(1), the plaintiff bears the burden of establishing subject-matter jurisdiction, and dismissal is appropriate when jurisdictional facts are undisputed and the movant is entitled to prevail as a matter of law. Under Rule 12(b)(6), a complaint must contain sufficient factual matter to state a facially plausible claim. Under Rule 56, summary judgment is appropriate when there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of

	law; the evidence is viewed in the light most favorable to the nonmoving party.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion
PARTIES	Kendall D. Wysinger v. Mr. S. Bryson, Unknown warden at USP Lee

TOPICS

subject matter jurisdiction motions to dismiss summary judgment due process prisoners rights

PRACTICE AREAS

constitutional law civil rights prisoner litigation federal jurisdiction government liability

QUESTIONS PRESENTED

1. Whether the alleged seizure or loss of Wysinger's dental crowns stated a viable Fourth Amendment, Eighth Amendment, or due process claim.
2. Whether Wysinger could pursue damages under Bivens for the alleged deprivation of his personal property by federal prison officials.
3. Whether any FTCA claim was barred because the United States was not named as the defendant and because the detention-of-property exception to the FTCA applied.
4. Whether a federal court had jurisdiction to review the BOP's denial of Wysinger's administrative lost-property claim under 31 U.S.C. § 3723.

HOLDINGS

1. The alleged seizure or loss of an inmate's personal property within prison does not state a Fourth Amendment claim because the Fourth Amendment's protection against unreasonable seizures of property does not apply within the confines of a prison.
2. The alleged mishandling or loss of gold dental crowns did not constitute an Eighth Amendment violation.
3. Wysinger failed to state a due process claim for deprivation of his personal property because negligent loss is not actionable under the Due Process Clause and an adequate post-deprivation remedy was available for any unauthorized intentional deprivation.
4. Wysinger could not pursue damages under Bivens for the alleged loss or mishandling of his personal property by federal prison officials.
5. Any FTCA claim was subject to dismissal because the United States was the only proper defendant and, independently, the FTCA's detention-of-property exception barred the claim.
6. The court lacked jurisdiction to review the BOP's denial of Wysinger's administrative claim for lost property under 31 U.S.C. § 3723.

KEY QUOTATIONS

“The Supreme Court has made clear that, in all but the most unusual circumstances, prescribing a cause of action is a job for Congress, not the courts.”

“The PLRA “does not provide for a standalone damages remedy against federal jailers, a silence that speaks volumes and counsels strongly against judicial usurpation of the legislative function to create one.””

“The existence of such alternative remedial procedures counsel against allowing Bivens suits even if such ‘procedures are not as effective as an individual damages remedy.’”

FACTUAL BACKGROUND

Wysinger, a federal inmate, was temporarily housed at USP Lee from November 3 to December 15, 2020. He alleged that correctional personnel took an envelope containing three gold dental crowns, that defendant Bryson offered to send the crowns home but ultimately agreed to send them to Wysinger's next BOP facility, and that the crowns never arrived there. Wysinger sought return or replacement of the crowns, their alleged \$3,500 value, and damages for emotional distress, after the BOP denied his administrative property claim and reconsideration request.

PROCEDURAL HISTORY

Wysinger filed an amended complaint against a federal prison employee and an unknown warden. The pleading was construed as asserting a Bivens constitutional claim, an FTCA claim, and an administrative lost-property claim under 31 U.S.C. § 3723. The court dismissed the constitutional claims, dismissed any FTCA claim without prejudice for lack of subject-matter jurisdiction, and held that it lacked jurisdiction to review the agency's § 3723 decision.

DISPOSITION

dismissed

CASES CITED

- Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971)
- Evans v. B. F. Perkins Co., 166 F.3d 642, 647 (4th Cir. 1999)
- Balfour Beatty Infrastructure, Inc. v. Mayor of Baltimore, 855 F.3d 247, 251 (4th Cir. 2017)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 252, 255 (1986)
- Hudson v. Palmer, 468 U.S. 517, 528 n.8, 533 (1984)
- Patterson v. Schriro, 167 F. App'x 666, 666 (9th Cir. 2006)
- Wilson v. Seiter, 501 U.S. 294, 298 (1991)
- Rhodes v. Chapman, 452 U.S. 337, 347 (1981)
- Thomas v. N. M. Corr. Dep't, 272 F. App'x 727, 730 (10th Cir. 2008)
- Meek-Freeman v. Moore, No. 24-444, 2025 WL 2781640, at *11 (D. Md. Sept. 30, 2025)

- *Williamson v. Stirling*, 912 F.3d 154, 173 n.15 (4th Cir. 2019)
- *Daniels v. Williams*, 474 U.S. 327, 328 (1986)
- *Bowens v. United States DOJ*, 415 F. App'x 340, 344 (3d Cir. 2011)
- *Timms v. Samons*, No. 5:17-cv-3195, 2018 U.S. Dist. LEXIS 228288, at *7 (E.D.N.C. May 3, 2018)
- *Islaam v. Kubicki*, 838 F. App'x 657, 660 (3d Cir. 2020)
- *Goldey v. Fields*, 606 U.S. 942, 942–45 (2025) (per curiam)
- *Dyer v. Smith*, 56 F.4th 271, 277 (4th Cir. 2022)
- *Egbert v. Boule*, 596 U.S. 482, 483, 492, 496, 498 (2022)
- *Ziglar v. Abbasi*, 582 U.S. 120, 135–39, 148 (2017)
- *Davis v. Passman*, 442 U.S. 228 (1979)
- *Carlson v. Green*, 446 U.S. 14 (1980)
- *Orellana v. Godec*, 145 F.4th 516, 522 (4th Cir. 2025)
- *Mays v. Smith*, 70 F.4th 198, 204–06 (4th Cir. 2023)
- *Doe v. Meron*, 929 F.3d 153, 161 (4th Cir. 2019)
- *Bennett v. United States*, 102 F.3d 486, 488 n.1 (11th Cir. 1996)
- *Lins v. United States*, 847 F. App'x 159, 170 (4th Cir. 2021)
- *CNA v. United States*, 535 F.3d 132, 138 n.2 (3d Cir. 2008)
- *Chang-Williams v. Department of the Navy*, 766 F. Supp. 2d 604, 608 (D. Md. 2011)
- *Ali v. Federal Bureau of Prisons*, 552 U.S. 214, 216–18, 227–28 (2008)
- *Gambino v. Hershberger*, No. 17-1701, 2021 WL 288483, at *13 (D. Md. Jan. 28, 2021)
- *McGowan v. United States*, 825 F.3d 119, 127 n.5 (2d Cir. 2016)
- *Hernandez v. Lattimore*, 612 F.2d 61, 64 n.7 (2d Cir. 1979)
- *Morrow v. Federal Bureau of Prisons*, 255 F. App'x 378, 380 (11th Cir. 2007)
- *Chapa v. Department of Justice*, 339 F.3d 388, 390 (5th Cir. 2003)
- *Williams v. United States*, 50 F.3d 299, 304 (4th Cir. 1995)
- *Goldman v. Brink*, 41 F.4th 366, 369 (4th Cir. 2022)
- *Moler v. Potter*, No. 20-5579, 2020 WL 9886297, at *2 (6th Cir. Dec. 30, 2020)
- *Hargrove v. Federal Bureau of Prisons*, No. 5:16-cv-00164, 2017 WL 6421359, at *2 (N.D.W. Va. Dec. 18, 2017)
- *Merrifield v. United States*, 14 Cl. Ct. 180, 183–84 (1988)
- *Pontefract v. United States*, No. 24-3629, 2025 WL 2100967, at *3 (6th Cir. July 1, 2025)
- *Mallard v. U.S. District Court for the Southern District of Iowa*, 490 U.S. 296, 309 (1989)
- *Riddick v. Barber*, 109 F.4th 639, 651 (4th Cir. 2024)