

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
VIRGINIA

Earl Thomas Brady v. Commonwealth of Virginia, et al.

Brady · No. 7:24-cv-00567 · Decided May 4, 2026

SUMMARY

The United States District Court for the Western District of Virginia dismissed Earl Thomas Brady’s 42 U.S.C. § 1983 action without prejudice under 28 U.S.C. § 1915A(b)(1) for failure to state a claim. The court rejected or found inadequately pleaded claims involving First Amendment retaliation, due process, whistleblower protection, disparate treatment, restrictive housing, false imprisonment, prison policies, and defamation.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia
WRITING FOR THE COURT	Robert S. Ballou
JURISDICTION	United States District Court for the Western District of Virginia, Roanoke Division
DECIDED	May 4, 2026
DOCKET	7:24-cv-00567
DISPOSITION	dismissed
PROCEDURAL POSTURE	Prisoner civil-rights action under 42 U.S.C. § 1983 screened under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A(b)(1), the court must dismiss a prisoner action against a governmental defendant that is frivolous, malicious, or fails to state a claim. The complaint must contain factual allegations sufficient to raise the right to relief above the speculative level and state a plausible claim.
PRECEDENTIAL VALUE	Unknown; district-court memorandum opinion with no reporter citation.
PARTIES	Earl Thomas Brady v. Commonwealth of Virginia, et al.

TOPICS

- section 1983
- prisoners rights
- first amendment
- procedural due process
- cruel and unusual punishment

PRACTICE AREAS

prisoner civil rights

constitutional law

federal civil procedure

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible First Amendment retaliation claim.
2. Whether Brady had a constitutional due process right to retain his prison job.
3. Whether the complaint stated a claim under the federal Whistleblower Protection Act.
4. Whether the complaint stated a disparate-treatment or equal-protection claim.
5. Whether the alleged transfer to restrictive housing stated a procedural due process claim.
6. Whether seven days in restrictive housing stated an Eighth Amendment cruel-and-unusual-punishment claim.
7. Whether a prisoner already in custody can state a false-imprisonment claim based on placement in restrictive housing.
8. Whether alleged violations of internal prison policies support a § 1983 claim.
9. Whether a false disciplinary report supported a § 1983 defamation or slander claim.
10. Whether claims against defendants not connected to factual allegations should be dismissed.

HOLDINGS

1. A § 1983 plaintiff must plead that each government-official defendant, through that defendant's own individual actions, violated the Constitution; defendants against whom no factual allegations are made may be dismissed without prejudice.
2. A bare allegation that a correctional officer received a disciplinary report and colluded with another officer, without supporting factual allegations, does not state a plausible § 1983 claim.
3. A prisoner asserting First Amendment retaliation must allege protected activity, an adverse action affecting First Amendment rights, and a causal relationship between the protected activity and the adverse action; the complaint failed because it did not adequately allege causation.
4. The filing of a false disciplinary report or charge, without more, generally does not state a constitutional claim under § 1983.
5. Inmates do not have a constitutional right to a prison job, and deprivation of a prison job does not state an independent constitutional due process claim.
6. The federal Whistleblower Protection Act applies to federal employees and does not provide a claim to a state prisoner.
7. A disparate-treatment claim requires allegations that the plaintiff was treated differently from similarly situated persons; Brady's conclusory claim failed because he alleged no facts supporting that comparison.
8. A prisoner asserting that a formal due process hearing was required must allege facts showing how a particular defendant personally denied the hearing; Brady failed to do so.

9. A bare allegation that seven days in restrictive housing constituted cruel and unusual punishment does not state an Eighth Amendment claim.
10. A prisoner already in custody cannot state a cognizable false-imprisonment claim based solely on being placed in restrictive housing for an additional period.
11. Prison officials' failure to follow internal prison policies is not actionable under § 1983 unless the alleged breach also rises to the level of a constitutional violation.
12. Defamation does not state a § 1983 claim absent injury to a constitutionally protected right; Brady failed to allege such injury.

KEY QUOTATIONS

“Section 1983 imposes liability on state actors who cause the ‘deprivation of any rights, privileges, or immunities secured by the Constitution.’”

“The plaintiff’s “[f]actual allegations must be enough to raise a right to relief above the speculative level,” to one that is “plausible on its face,” rather than merely “conceivable.””

“inmates do not have a constitutional right to a prison job, and in turn, the deprivation of a prison job states no independent constitutional claim.”

“A plaintiff must plead that each Government-official defendant, through the official’s own individual actions, has violated the Constitution.”

“the Constitution “does not mandate comfortable prisons, [] and only those deprivations denying ‘the minimal civilized measure of life’s necessities’ [] are sufficiently grave to form the basis of an Eighth Amendment violation.””

FACTUAL BACKGROUND

Brady was incarcerated at Red Onion State Prison and worked in the prison food-service department. After he complained about the prison food, he alleged that correctional officer Rose filed a false disciplinary report and gave it to correctional officer J.R. Massingill. Brady alleged that the report caused him to lose his prison job and spend seven days in restrictive housing, but he did not allege sufficient facts concerning the timing, recipient, or form of his complaints or the individual actions of the defendants.

PROCEDURAL HISTORY

Brady, a Virginia inmate proceeding pro se, filed a § 1983 complaint alleging retaliation, due process violations, whistleblower-law violations, disparate treatment, cruel and unusual punishment, false imprisonment, failure to follow prison policies, and defamation. On screening under § 1915A, the court concluded that the complaint failed to state a claim and dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Doe v. Rosa, 795 F.3d 429, 436 (4th Cir. 2015)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 676 (2009)
- Martin v. Duffy, 858 F.3d 239, 249 (4th Cir. 2017)
- Constantine v. Rectors and Visitors of George Mason Univ., 411 F.3d 474, 501 (4th Cir. 2005)
- Patel v. Moron, 897 F. Supp. 2d 389, 400 (E.D.N.C. 2012)
- Robles v. Sturdinant, No. 7:14-cv-00070, 2014 WL 4853409, at *1 (W.D. Va. Mar. 27, 2014)
- Wilkins v. Rasnake, No. 7:24-cv-00093, 2025 WL 974108, at *7 (W.D. Va. Mar. 31, 2025)
- Cole v. Holloway, 631 F. App'x 185, 186 (4th Cir. 2016)
- Makdessi v. Collins, No. 7:23-cv-00049, 2024 WL 4441746, at *8-9 (W.D. Va. Oct. 8, 2024)
- Stern v. Epps, 464 F. App'x 388, 392 (5th Cir. 2012) (per curiam)
- Morrison v. Garraghty, 239 F.3d 648, 654 (4th Cir. 2001)
- Wilson v. Seiter, 501 U.S. 294, 297-98 (1991)
- Fuller v. Huneycutt, No. 1:21-cv-00258, 2022 WL 1494386, at *3 (W.D.N.C. May 11, 2022)
- McNatt v. Unit Manager Parker, No. 3:99-cv-01397, 2000 WL 307000, at *4 (D. Conn. Jan. 18, 2000)
- Goncalves v. Reynolds, 198 F. Supp. 2d 278, 283 (W.D.N.Y. 2001)
- Rosario v. Lynch, No. 2:13-cv-01945, 2017 WL 4098709, at *6 (E.D. Pa. Sept. 15, 2017)
- Riccio v. Cnty. of Fairfax, Va., 907 F.2d 1459, 1469 (4th Cir. 1990)
- Jackson v. Sampson, 536 F. App'x 356, 357 (4th Cir. 2013) (per curiam)
- Baldwin v. U.S. Dep't of Homeland Sec., No. 7:16-cv-00421, 2016 WL 6109959, at *1 n.2 (W.D. Va. Oct. 19, 2016)
- Paul v. Davis, 424 U.S. 693, 697-710 & nn. 3-4 (1976)
- Fountain v. Vaughn, 679 F. App'x 117, 120 n.2 (3d Cir. 2017) (per curiam)