

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

Garfield William Holley v. Mr. J. Combs, et al.

Holley · No. 7:20-cv-00545 · Decided January 29, 2026

OPINION

AI DARBISUN □□□□ VAL FILED January 29, 2026 IN THE UNITED STATES DISTRICT COURT | aura A. AUSTIN, CLERK FOR THE WESTERN DISTRICT OF VIRGINIA BY: s/Jd.Vasquez ROANOKE DIVISION DEPUTY CLERK GARFIELD WILLIAM HOLLEY,) Plaintiff,) Civil Action No. 7:20-cv-00545) Vv.)) By: Elizabeth K. Dillon MR. J. COMBS, et al.,) Chief United States District Judge Defendants.) MEMORANDUM OPINION AND ORDER Garfield William Holley, a Virginia inmate acting pro se, brought this action pursuant to 42 U.S.C. § 1983.

He alleges claims related to his transport to an outside facility for a dental appointment and his medical treatment for serious medical needs. The defendants—Mr. J. Combs, Edwards, M. Wynn, Lawson, and Muncy—filed a partial answer and a partial motion to dismiss for failure state a claim. (Dkt. Nos. 18, 19.)

The court then issued an opinion and order dismissing this case because Holley had at least three previous actions dismissed as frivolous or for failure to state a claim, and plaintiff did not prepay the filing fee or show that he is under imminent danger of serious physical injury. (Dkt. No. 23 (citing 28 U.S.C. § 1915(g).)

On appeal, the Fourth Circuit Court of Appeals held that Holley satisfied the imminent danger exception and remanded for further proceedings. (Dkt. No. 34.) The partial motion to dismiss that was filed before the appeal is currently pending before the court. Holley has responded to the motion. (Dkt. No. 43, 44.)

In his response, plaintiff states that there is a “major dispute of material fact” and that he needs to amend his complaint pertaining to his First Amendment claim due to his attorneys on appeal quitting his case after the remand. (Dkt. No. 43-1 at 11.)

The court construes this request as a motion for leave to file an amended complaint, which will be granted. See Fed. R. Civ. P. 15(a)(2) (providing that courts should “freely give leave” to amend “when justice so requires”). It is HEREBY ORDERED that plaintiff’s motion for leave to file an amended complaint (Dkt. No. 43-1) is GRANTED. If plaintiff wants to amend his complaint, he should file a single document that should be titled as an amended complaint.

Plaintiff's amended complaint must be a new pleading that stands by itself without reference to a complaint, attachments, documents, or amendments already filed. The amended complaint must clearly state the name of each defendant and clearly explain how each defendant violated plaintiff's federal rights.

The amended complaint must conform to Rules 81 and 10,2 which require "a short and plain statement of the claim showing that the pleader is entitled to relief" to be set out in numbered paragraphs, each limited to a single 1 Rule 8 states in pertinent part: (a) Claim for Relief. A pleading that states a claim for relief must contain: (1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support; (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought, which may include relief in the alternative or different types of relief. * * * (d) Pleading to Be Concise and Direct; Alternative Statements; Inconsistency.

(1) In General. Each allegation must be simple, concise, and direct. No technical form is required. (2) Alternative Statements of a Claim or Defense. A party may set out two or more statements of a claim or defense alternatively or hypothetically, either in a single count or defense or in separate ones. If a party makes alternative statements, the pleading is sufficient if any one of them is sufficient.

(3) Inconsistent Claims or Defenses. A party may state as many separate claims or defenses as it has, regardless of consistency. 2 Rule 10 states: (a) Caption; Names of Parties. Every pleading must have a caption with the court's name, a title, a file number, and a Rule 7(a) designation.

The title of the complaint must name all the parties; the title of other pleadings, after naming the first party on each side, may refer generally to other parties. (b) Paragraphs; Separate Statements. A party must state its claims or defenses in numbered paragraphs, each limited as far as practicable to a single set of circumstances. A later pleading may refer by number to a paragraph in an earlier pleading.

If doing so would promote clarity, each claim founded on a separate transaction or occurrence--and each defense other than a denial--must be stated in a separate count or defense. (c) Adoption by Reference; Exhibits. A statement in a pleading may be adopted by reference elsewhere in the same pleading or in any other pleading or motion. A copy of a written instrument that is an exhibit to a pleading is a part of the pleading for all purposes. set of circumstances.

The amended complaint shall replace plaintiff's current complaint and all proposed amendments, and it shall constitute the sole complaint in this matter. Plaintiff shall file his amended complaint not later than thirty days after entry of this order. If plaintiff fails to file an amended complaint by that deadline, then his claims will proceed in their current format.

The Clerk shall send a copy of this order to plaintiff and to all counsel of record. The Clerk shall also send to plaintiff a blank form to be used for filing an amended complaint. Entered: January 29, 2026. /s/ Elizabeth K. Dillon Elizabeth K. Dillon Chief United States District Judge UNITED STATES DISTRICT COURT Western District of Virginia Roanoke Division AMENDED COMPLAINT Civil Action No. 7:20-cv-00545 (Form for Pro Se Prisoners) District Judge DILLON Magistrate Judge MEMMER (To be filled out by Clerk's Office only) (In the space above, enter your full name and inmate number.

You will be referred to as the plaintiff.) -against- Jury Demand ☐Yes ☐No (In the space above, enter the full name(s) of the defendant(s). If you cannot fit the names of all the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names.

The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.) NOTICE Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files.

Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

I. JURISDICTIONAL BASIS FOR COMPLAINT Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their treatment or the conditions of their confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

It may also be used for the filing of a Federal Tort Claims Act (FTCA) claim against the United States if you are claiming personal injury, property loss, or other damage caused by a federal agency or federal employee. ☐ Action under 42 U.S.C. § 1983 (defendants are agents or employees of a state, county, or municipality) ☐ Action under Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971) (defendants are federal agents or employees) ☐ Action under Federal Tort Claims Act (The United States is the proper defendant, and the plaintiff must have presented his or her claim in writing to the appropriate federal agency and received a notice of final denial of the claim pursuant to 28 U.S.C. § 2401(b) prior to filing a case in this court) ☐ Other (specify the basis) II.

PLAINTIFF INFORMATION Name Inmate # Current Place of Detention Institutional Address City State Zip Code III. PLAINTIFF STATUS Indicate whether you are a prisoner or other

confined person as follows: ☐ Pretrial detainee: ☐ State or ☐ Federal ☐ Civilly committed detainee ☐ Immigration detainee ☐ Convicted and sentenced state prisoner ☐ Convicted and sentenced federal prisoner ☐ Not in custody ☐ Other: IV.

DEFENDANT(S) INFORMATION Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary. Defendant 1: Name Current Job Title Current Work Address City State Zip Code Capacity in which being sued: Individual Official Both ☐ ☐ ☐ Defendant 2: Name Current Job Title Current Work Address City State Zip Code Capacity in which being sued: Individual Official Both ☐ ☐ ☐ Defendant 3: Name Current Job Title Current Work Address City State Zip Code Capacity in which being sued: Individual Official Both ☐ ☐ ☐ Defendant 4: Name Current Job Title Current Work Address City State Zip Code Capacity in which being sued: Individual Official Both ☐ ☐ ☐ V. STATEMENT OF CLAIM(S) (If you are making multiple claims, please number them.)

Place(s) of occurrence: Date(s) of occurrence: State which of your federal constitutional or federal statutory rights have been violated: State briefly the FACTS that support your case below (you may attach additional pages if required), including an account of what happened to you in the order the events occurred. Do not include statutes or case citations.

Your account should typically include the following types of information: When and where did these events occur? What happened to you and under what circumstances? What action did each defendant take or fail to take that violated your rights? Did you suffer specific injuries? How? Did you require medical care for these injuries? Be specific. VI. ADMINISTRATIVE EXHAUSTION WARNING: Prisoners must exhaust all available administrative procedures before filing an action in federal court about treatment in prison or prison conditions.

42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies. Have you filed a grievance concerning the facts relating to this complaint? Yes No ☐ ☐ If no, explain why not: Is the grievance process complete (meaning all levels and appeals are concluded)? Yes No ☐ ☐ If no, explain why not: WARNING: Prior to filing a Federal Tort Claims Act case in this court, you must have presented your claim in writing to the appropriate federal agency and received a notice of final denial of the claim pursuant to 28 U.S.C. § 2401(b).

If this is a Federal Tort Claims Act case: Have you presented your claim in writing to the appropriate federal agency? Yes No ☐ ☐ If yes, when and to whom? If no, why not? Have you received a notice of final denial of the claim pursuant to 28 U.S.C. § 2401(b)? Yes No ☐ ☐ If yes, when? VII. RELIEF State briefly what you want the court to do for you, such as “award monetary damages.” Do not make legal arguments or cite cases or statutes.

In a civil rights action, the court cannot change a sentence, order a release from custody, or restore good time. A petition for a writ of habeas corpus should be filed if that relief is desired. VIII. PLAINTIFF'S LITIGATION HISTORY The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without the prepayment of filing costs if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).

Have you brought any other lawsuits in any federal court while a prisoner? Yes No ☐ ☐ If yes, have you filed another lawsuit dealing with the same facts involved in this action? Yes No ☐ ☐ If yes to the previous question, please provide the name and docket number, the court in which the case was filed, and the current status of the case. IX. PLAINTIFF'S CERTIFICATION AND WARNING Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office in writing with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case. Dated Plaintiff's Signature Printed Name Inmate # (if applicable) Prison Address City State Zip Code Mailing Address – if not in custody City State Zip Code