

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

Keith E. Moss v. Joshua Salmon, et al.

Moss · No. 7:23-cv-00110 · Decided December 18, 2025

SUMMARY

The United States District Court for the Western District of Virginia denied Keith E. Moss's motion for clarification and sanctions against defense counsel. The court found no evidence of bad faith, abuse of the judicial process, or unreasonable conduct in submitting the challenged commitment order, and concluded that the alleged procedural violation did not support sanctions or an actionable constitutional claim.

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	December 18, 2025
DOCKET	7:23-cv-00110
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff Keith E. Moss, proceeding pro se, moved for clarification and sanctions against defense counsel based on counsel's submission of a copy of a commitment order. The district court denied the motion.
STANDARD OF REVIEW	The court applied an objective standard of reasonableness to the Rule 11 issue and required a showing of bad faith for sanctions under the court's inherent powers and 28 U.S.C. § 1927.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Keith E. Moss v. Joshua Salmon, et al.

TOPICS

- sanctions
- section 1983
- civil procedure
- procedural due process

PRACTICE AREAS

civil procedure

civil rights

constitutional law

sanctions

QUESTIONS PRESENTED

1. Whether defendants or their counsel should be sanctioned under the court's inherent authority, 28 U.S.C. § 1927, or Federal Rule of Civil Procedure 11 for submitting the challenged commitment order.
2. Whether an alleged failure to personally appear before a magistrate under Virginia Code § 19.2-82 supports sanctions or an actionable constitutional claim.

HOLDINGS

1. Sanctions were not warranted because the record did not show that defendants or their counsel acted in bad faith, abused the judicial process, or unreasonably and vexatiously multiplied the proceedings.
2. Rule 11 sanctions were not warranted because the challenged submission was not shown to lack evidentiary support or to have been made without a reasonable inquiry under the circumstances.
3. A mere procedural violation of Virginia Code § 19.2-82 does not give rise to an actionable constitutional claim and does not support sanctions against defendants or defense counsel.

KEY QUOTATIONS

“The record is devoid of evidence from which the court could find that the defendants or their counsel acted in bad faith, engaged in conduct that abuses the judicial process, or acted unreasonably in submitting the document challenged by Moss.”

“Although Moss may dispute the validity of the commitment order, he has not shown that a reasonable attorney would have had reason to believe that the order is fraudulent or invalid.”

“To the extent Moss continues to argue that he did not personally appear before the magistrate on the day that he was arrested and committed to the Lynchburg Adult Detention Center, a mere procedural violation of Virginia Code § 19.2-82 does not give rise to an actionable constitutional claim.”

FACTUAL BACKGROUND

Moss, a Virginia inmate, challenged defendants' submission of a copy of a February 13, 2021 commitment order signed by defendant J. A. Miller. He asserted that the document was fraudulent and claimed that video footage, police reports, and incident reports showed that he did not personally appear before a magistrate as allegedly required by Virginia Code § 19.2-82. The court found no evidence that defendants or their counsel acted in bad faith or that a reasonable attorney would have believed the order fraudulent or invalid.

PROCEDURAL HISTORY

Moss filed a 42 U.S.C. § 1983 action concerning events following his arrest and commitment to the Lynchburg Adult Detention Center. After the court denied an earlier sanctions motion filed in response to defendants' motions to dismiss, Moss filed the present motion for clarification and sanctions. The court reviewed the record and denied the motion.

DISPOSITION

other

CASES CITED

- Goodyear Tire & Rubber Co. v. Haeger, 581 U.S. 101, 107 (2017)
- Link v. Wabash R. Co., 370 U.S. 626, 630-31 (1962)
- Chambers v. NASCO, Inc., 501 U.S. 32, 44-45 (1991)
- Harvey v. CNN, Inc., 48 F.4th 257, 276 (4th Cir. 2022)
- In re Kunstler, 914 F.2d 505, 518 (4th Cir. 1990)
- Frye v. Commonwealth, 231 Va. 370, 376, 345 S.E.2d 267, 273 (Va. 1986)
- Jones v. Town of Marion, 28 Va. App. 791, 797-98, 508 S.E.2d 921, 924-25 (Va. Ct. App. 1999), aff'd, 259 Va. 7, 524 S.E.2d 866 (Va. 2000)

OPINION

Moss

PER CURIAM.

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AT ROANOKE, VA

FILED

December 18, 2028

IN THE UNITED STATES DISTRICT COURT LAURA A. AUSTIN, CLERE

FOR THE WESTERN DISTRICT OF VIRGINIA ay: ROANOKE DIVISION st Beeson ☐☐

KEITH E. MOSS,)

Plaintiff,) Case No. 7:23-cv-00110)) By: Michael F. Urbanski JOSHUA SALMON, et al.,)

Senior United States District Judge Defendants.)

ORDER

Keith E. Moss, a Virginia inmate proceeding pro se, filed this civil action under 42 USS.C. § 1983, alleging that employees of the Blue Ridge Regional Jail Authority violated his constitutional rights after he was arrested and taken to the Lynchburg Adult Detention Center on February 13, 2021. On September 4, 2025, the court denied a motion for sanctions that Moss filed in response to the defendants' motions to dismiss. ECP No. 216. Moss has since filed a "motion for clarification and sanctions." ECF No. 220. For the following reasons, the motion is DENIED. "Federal courts possess certain 'inherent powers,' not conferred by rule or statute, 'to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.'" Goodyear Tite & Rubber Co. v. Haeger, 581 U.S. 101, 107 (2017) (quoting Link v. Wabash R. Co., 370 U.S. 626, 630-31 (1962)). "That authority includes 'the ability to fashion an appropriate sanction for conduct which abuses the judicial process,'" such as an order "instructing a party that has acted in bad faith to reimburse

legal fees and costs incurred by the other side.” *Id.* (quoting *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44-45 (1991)). Similarly, a federal statute, 28 U.S.C. § 1927, “authorizes a court to require ‘[a]ny attorney ... who so multiplies the proceedings in any case unreasonably and vexatiously’ to ‘satisfy personally the excess costs, expenses, and attorneys’ fees reasonably incurred because of such conduct.’” *Harvey v. CNN, Inc.*, 48 F.4th 257, 276 (4th Cir. 2022) (quoting 28 U.S.C. § 1927). A showing of bad faith is required for sanctions under the court’s inherent power and § 1927. *Id.* Under Rule 11 of the Federal Rules of Civil Procedure, an attorney or unrepresented party certifies, when presenting a pleading or other document to the court, that “to the best of the person’s knowledge, information, and belief, formed after an inquiry reasonable under the circumstances[,] . . . the factual contentions have evidentiary support” Fed. R. Civ. P. 11(b) (3). “If, after notice and a reasonable opportunity to respond, the court determines that Rule 11(b) has been violated, the court may impose an appropriate sanction on any attorney, law firm, or party that violated the rule or is responsible for the violation.” Fed. R. Civ. P. 11(c)(1). In exercising its discretion, the court must apply an objective standard of reasonableness and “ignore evidence of the [opposing] party’s subjective beliefs.” *In re Kunstler*, 914 F.2d 505, 518 (4th Cir. 1990). In the pending motion, Moss argues that counsel for the defendants should be sanctioned for submitting “the ‘COPY’ of the Commitment Order dated February 13, 2021 and signed by defendant J. A. Miller.” *Id.* at 3. Moss asserts that the exhibit is a “fraudulent document” and that he has video footage, police reports, and incident reports confirming that he did not personally appear before a magistrate as required by Virginia Code § 19.2-82. *Id.* at 3–4. Having reviewed the record, the court concludes that Moss’s motion must be denied. The record is devoid of evidence from which the court could find that the defendants or their counsel acted in bad faith, engaged in conduct that abuses the judicial process, or acted unreasonably in submitting the document challenged by Moss. Although Moss may dispute the validity of the commitment order, he has not shown that a reasonable attorney would have had reason to believe that the order is fraudulent or invalid. To the extent Moss continues to argue that he did not personally appear before the magistrate on the day that he was arrested and committed to the Lynchburg Adult Detention Center, a mere procedural violation of Virginia Code § 19.2-82 does not give rise to an actionable constitutional claim. See *Frye v. Commonwealth*, 231 Va. 370, 376, 345 S.E.2d 267, 273 (Va. 1986); *Jones v. Town of Marion*, 28 Va. App. 791, 797-98, 508 S.E.2d 921, 924-25 (Va. Ct. App. 1999), *afPd*, 259 Va. 7, 524 S.E.2d 866 (Va. 2000). Nor does it support the imposition of sanctions against the defendants or defense counsel. For these reasons, Moss’s motion for sanctions, ECF No. 220, is DENIED. The Clerk is directed to send a copy of this order to parties. It is so ORDERED. Entered: December 18, 2025 Michael F. Urbanski U.S. District Judge 2025.12.18 17:25:50 -05'00' Michael F. Urbanski Senior United States District Judge