

**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

OPINION

Moss

PER CURIAM.

ULOERN UPPER ☐☐☐☐ Viol. ☐☐

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 U.S.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