

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DONNELL FLOWERS,

Plaintiff,

v.

Civil Action No. 3:20cv602

MRS. SCHRODER, et al.,

Defendants.

MEMORANDUM OPINION

Plaintiff, a Virginia inmate proceeding *pro se* and *in forma pauperis*, filed this civil rights action. In order to state a viable claim under 42 U.S.C. § 1983,¹ a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. *See Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). Plaintiff's current complaint does not identify the particular constitutional right that was violated by Defendants' conduct. (Compl. 5–7, ECF No. 1.) Therefore, Plaintiff's current allegations fail to provide each defendant with fair notice of the facts and legal basis upon which his or her liability rests. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)).

¹ This statute provides, in pertinent part:

Every person who, under color of any statute . . . of any State . . . subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law

42 U.S.C. § 1983.

Accordingly, by Memorandum Order entered on August 9, 2021, the Court directed Plaintiff to submit a particularized complaint within fourteen (14) days of the date of entry thereof. (Aug. 9, 2021 Mem. Order 2–3, ECF No. 31.) The Court warned Plaintiff that the failure to submit the particularized complaint would result in the dismissal of the action. (*Id.* 3); *see* Fed. R. Civ. P. 41(b).²

More than fourteen (14) days have elapsed since the entry of the August 9, 2021 Memorandum Order. Plaintiff failed to submit a particularized complaint or otherwise respond to the August 9, 2021 Memorandum Order. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate order will accompany this Memorandum Opinion.

Date: 10-19-21
Richmond, Virginia

/s/ MHL
M. Hannah Lauck
United States District Judge

² This Rule allows for dismissal when “the plaintiff fails to prosecute or to comply with [the Federal Rules of Civil Procedure] or a court order.” Fed. R. Civ. P. 41(b).