

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

STEVEN WILLIAMS,
Plaintiff,

v.

Civil No. 3:21cv194 (DJN)

MRS. STEVENSON, *et al.*,
Defendants.

MEMORANDUM OPINION

Plaintiff, a Virginia inmate proceeding *pro se* and *in forma pauperis*, filed this 42 U.S.C. § 1983 action. To state a viable claim under 42 U.S.C. § 1983, 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 terse and conclusory 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) (stating that the complaint must "give the defendant fair notice of what the claim is and the grounds upon which it rests").

Accordingly, by Memorandum Order entered on August 27, 2021, the Court directed Plaintiff to submit a particularized complaint within fourteen (14) days of the date of entry thereof. (ECF No. 10.) The Court warned Plaintiff that the failure to submit the particularized complaint would result in the dismissal of the action.

On September 14, 2021, the United States Postal Service returned the August 27, 2021 Memorandum Order to the Court marked, "NOT HERE," and "RETURN TO SENDER." (ECF

No. 11.) A review of the docket reflects that Plaintiff failed to update his address in this specific action, although he updated it with respect to several other pending actions.¹ Ordinarily, the Court would direct the Clerk to update Plaintiff's address on the docket for this action and would direct Plaintiff to particularize his complaint once again. However, Plaintiff has failed to respond to the Court's orders in any other pending case. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate order will accompany this Memorandum Opinion.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Plaintiff at his updated address.

/s/ 

David J. Novak
United States District Judge

Richmond, Virginia
Dated: September 29, 2021

¹ On July 19, 2021, Plaintiff submitted a letter informing the Court that he had been released and updating his address as follows: 6159 Barros Drive, Centreville, VA 20120. *See, e.g., Williams v. Shepard*, No. 3:21CV136 (E.D. Va. filed July 19, 2021), ECF No. 10. Plaintiff specifically asked the Court to update his address with respect to three pending actions and the Court did so accordingly. *See id.* Plaintiff did not list this action in his letter where he asked the Court to update his address. Therefore, it appears that Plaintiff lacks an interest in pursuing this action.