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## FOR THE EASTERN DISTRICT OF VIRGINIA

IN THE UNITED STATES DISTRICT COURT

## **Richmond Division**

DONALD DOC VAUGHAN, JR., Plaintiff.

v.

Civil No. 3:22cv168 (DJN)

LANCASTER COUNTY POLICE DEPARTMENT, 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). In his Complaint, Plaintiff does not identify the constitutional right that was violated by Defendants' conduct. Plaintiff's allegations also 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)). Accordingly, by Memorandum Order entered on October 21, 2022, the Court directed Plaintiff to submit a particularized complaint within thirty (30) days of the date of entry thereof. (ECF No. 15.) The Court warned Plaintiff that the failure to submit the particularized complaint would result in the dismissal of the action.

More than thirty (30) days have elapsed since the entry of the October 21, 2022, Memorandum Order. Plaintiff failed to submit a particularized complaint or otherwise respond to the Court's October 21, 2022, Memorandum Order. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Final Order will accompany this Memorandum Opinion.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Plaintiff.

David J. Novak

United States District Judge

Richmond, Virginia

Dated: November 28, 2022