

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

CARL LEE HUFF, JR.,

Plaintiff,

v.

Civil Action No. 3:15CV661

EDDIE PEARSON, et al.,

Defendants.

MEMORANDUM OPINION

Carl Lee Huff, Jr., a Virginia inmate proceeding pro se and in forma pauperis, filed this 42 U.S.C. § 1983 action. In order 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 current Complaint, Huff does not identify the particular constitutional right that was violated by the defendants' conduct. Accordingly, by Memorandum Order entered on September 16, 2016, the Court directed Huff to submit a particularized complaint within fourteen (14) days of the date of entry thereof. The Court warned Huff that the failure to submit the particularized complaint would result in the dismissal of the action.

More than fourteen (14) days have elapsed since the entry of the September 16, 2016 Memorandum Order. Huff failed to submit a particularized complaint or otherwise respond to the September 16, 2016 Memorandum Order. Accordingly, the action will be dismissed without prejudice.

The Clerk is directed to send a copy of this Memorandum Opinion to Huff.

Date: *October 17, 2016*
Richmond, Virginia

/s/ REP

Robert E. Payne
Senior United States District Judge