

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

WARREN D. WILLIAMS,)
)
Plaintiff,)
)
v.)
)
HAMPTON ROADS)
REGIONAL JAIL,)
)
Defendant.)

Civil Action No. 3:19CV757-HEH

MEMORANDUM OPINION
(Dismissing Action Without Prejudice)

Plaintiff, 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, Plaintiff does not identify a person acting under color of state law. Accordingly, by Memorandum Order entered on May 6, 2020, the Court directed Plaintiff to submit a particularized complaint within fourteen (14) days of the date of entry thereof. The Court warned Plaintiff that the failure to submit the particularized complaint would result in the dismissal of the action. Thereafter, the Court granted Plaintiff two extensions of time. The Memorandum Order entered on August 26, 2020 directed Plaintiff to file a particularized complaint within fifteen (15) days of the date of entry thereof. More than fifteen (15) days have elapsed

since the entry of the August 26, 2020 Memorandum Order and Plaintiff has not filed a particularized complaint. Accordingly, the action will be dismissed without prejudice.

An appropriate order will accompany this Memorandum Opinion.



/s/

HENRY E. HUDSON
SENIOR UNITED STATES DISTRICT JUDGE

Date: Oct. 27, 2020
Richmond, Virginia