

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

ROBERT FIELDS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 3:20CV783–HEH
	)	
HAROLD CLARK, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**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). Plaintiff’s original complaint failed to provide each defendant with fair notice of the facts and legal basis upon which his or her liability rests. Accordingly, by Memorandum Order entered on January 22, 2021, the Court directed Plaintiff to submit a particularized complaint within fourteen (14) days of the date of entry thereof. The Court provided Plaintiff with specific instructions for submitting an appropriate particularized complaint. The Court warned Plaintiff that the failure to submit the particularized complaint would result in the dismissal of the action.

On April 23, 2021, Plaintiff eventually submitted a Motion to Amend. The Motion to Amend failed to comply with the Court's instructions for filing a particularized complaint. Accordingly, by Memorandum Order entered on May 13, 2021, the Court again directed Plaintiff to submit a particularized complaint within fourteen (14) days of the date of entry thereof.

More than fourteen (14) days have elapsed since the entry of the May 13, 2021 Memorandum Order. Plaintiff failed to submit a particularized complaint or otherwise respond to the May 13, 2021 Memorandum Order. Accordingly, the action will be dismissed without prejudice.

An appropriate order will accompany this Memorandum Opinion.



/s/

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HENRY E. HUDSON  
SENIOR UNITED STATES DISTRICT JUDGE

Date: June 7, 2021  
Richmond, Virginia