

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

SAMUEL HUGHES,
Plaintiff,

v.

Civil Action No. **3:21CV293**

UNKNOWN, et al.,
Defendants.

MEMORANDUM OPINION

The 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, the plaintiff does not identify the individual defendants, much less 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 September 1, 2021, the Court directed the plaintiff to submit a particularized complaint within fourteen (14) days of the date of entry thereof and provided the plaintiff with specific instructions for filing an appropriate particularized complaint. The Court warned the plaintiff that the failure to follow the Court's instruction and file a particularized complaint would result in the dismissal of the action.

More than fourteen (14) days have elapsed since the entry of the September 1, 2021 Memorandum Order. The plaintiff failed to submit a particularized complaint. Instead, the plaintiff submitted a brief letter complaining about his conditions of confinement. Given the plaintiff's disregard of this Court's instructions, the action will be dismissed without prejudice. The plaintiff may refile the action with an appropriate complaint.

An appropriate order will accompany this Memorandum Opinion.

Date: ^{October} ~~6~~ September 2021
Richmond, VA

/s/
John A. Gibney, Jr. *[Signature]*
United States District Judge