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

FREDDIE LEE CEPHAS,	)	
	)	
Plaintiff,	)	
v.	)	Civil Action No. 3:21-cv-301–HEH
	)	
KYLE ROSCH, *et al.*,	)	
	)	
Defendants.	)	

MEMORANDUM OPINION
(Dismissing Action Without Prejudice)

Plaintiff Freddie L. Cephas ("Plaintiff"), a Florida inmate proceeding *pro se*, filed this 42 U.S.C. § 1983 action (ECF No. 1). 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 the particular constitutional right that was violated by each Defendant's conduct or 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).

Accordingly, by Memorandum Order entered on July 14, 2022 (ECF No. 19), the Court directed Plaintiff to submit a particularized complaint within thirty (30) days of the date of entry thereof. The Court warned Plaintiff that failure to submit a particularized complaint would result in the dismissal of the action.

Plaintiff did not comply with the July 14, 2022 Memorandum Order. Nevertheless, by Memorandum Order entered on October 6, 2022 (ECF No. 22), the Court provided Plaintiff with a second opportunity to file a particularized complaint. The Court once again warned Plaintiff that failure to submit a particularized complaint within thirty (30) days of entry thereof would result in dismissal of the action.

More than thirty (30) days have elapsed since the entry of the October 6, 2022 Memorandum Order. Plaintiff has failed to submit a particularized complaint or otherwise respond to the October 6, 2022 Memorandum Order. Accordingly, the action will be dismissed without prejudice.

An appropriate Final Order will accompany this Memorandum Opinion.

/s/
Henry E. Hudson
Senior United States District Judge

Date: Nov. 17, 2022
Richmond, Virginia