

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

MARKESE LEWIS,

Plaintiff,

v.

Civil Action No. 3:21cv470

C/O MCMILLIAN, *et al.*,

Defendants.

MEMORANDUM OPINION


Plaintiff Markese Lewis, 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). Lewis's current allegations fail to 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 November 24, 2021, the Court directed Lewis to submit a particularized complaint within fourteen (14) days of the date of entry thereof. (ECF No. 7.) The Court warned Lewis that the failure to submit the particularized complaint would result in the dismissal of the action. (*Id.* 2.)

More than fourteen (14) days have elapsed since the entry of the November 24, 2021 Memorandum Order. Lewis has failed to submit a particularized complaint or otherwise respond to the November 24, 2021 Memorandum Order. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate order will accompany this Memorandum Opinion.

Date: 1-12-2022
Richmond, Virginia



M. Hannah Lauck
United States District Judge