

AUG 14 2020  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**NOREL STERLING WARD,** )  
)  
**Plaintiff,** )  
)  
**v.** )  
)  
**AUGUSTA C.C. PERSONAL** )  
**PROPERTY STAFF SGT.,** )  
)  
**Defendant.** )

**Civil Action No. 7:20cv00119**

**MEMORANDUM OPINION**

**By: Hon. Jackson L. Kiser  
Senior United States District Judge**

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Plaintiff Norel Sterling Ward, a Virginia inmate proceeding pro se, filed a civil action pursuant to 42 U.S.C. § 1983 against the “Augusta C.C. Personal Property Staff Sgt.” By order entered July 15, 2020, the court conditionally filed Ward’s complaint, advised him that the complaint failed to state a federal claim against because it failed to allege any facts against or conduct committed by a defendant, and gave Ward the opportunity to file an amended complaint. [See ECF No. 10.] The court advised Ward that the amended complaint would replace his original complaint and constitute the sole complaint in this action. Ward filed an amended complaint that alleges in toto: “5<sup>th</sup> Amendment nor be deprived of life, liberty, or property, without due process of law [sic]” and “Nor shall priv[ate] property be taken for public use, without just compensation.” [See ECF No. 11.] To state a cause of action under § 1983, a plaintiff must allege facts indicating that he has been deprived of rights guaranteed by the Constitution or laws of the United States and that this deprivation resulted from conduct committed by a person acting under color of state law. West v. Atkins, 487 U.S. 42 (1988). Despite being given the opportunity to amend his complaint, Ward still fails to allege

any facts against or conduct committed by the named defendant. Accordingly, I conclude that Ward's complaint fails to state a claim against the defendant and will dismiss this action without prejudice pursuant to 28 U.S.C. § 1915A(b)(1).

**ENTERED** this 14<sup>th</sup> day of August, 2020.

  
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SENIOR UNITED STATES DISTRICT JUDGE