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Via Electronic Mail

Chadwick Dotson
Director of the Virginia Department of Corrections
Commonwealth of Virginia
Virginia Department of Corrections
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**RE: Urgent Constitutional Violations and Retaliation Against Shaka Shakur, VDOC
#1996207 - Eighth Amendment Excessive Force and Denial of Access to Legal Materials**

Dear Director Chadwick Dotson,

Greetings, the National Lawyers Guild (NLG) Prison Abolition Committee (PAC) and The National Jericho Movement write this letter out of concern for Mr. Shaka Shakur who is incarcerated in the Virginia Department of Corrections (VDOC).

I. About the National Lawyers Guild and The Jericho Movement

The National Lawyers Guild is a progressive bar association founded in 1937 as an alternative to the American Bar Association. The NLG is dedicated to the need for basic changes in the structure of our political and economic system, working as lawyers, law students, and legal workers to ensure that human rights are more important than property interests. Our Prison Abolition Committee specifically focuses on challenging the conditions and expansion of the prison industrial complex while advocating for the rights and dignity of incarcerated individuals.

The National Jericho Movement is a movement with the defined goal of gaining recognition of the fact that political prisoners and prisoners of war exist inside of the United States, despite the

United States' government's continued denial and winning amnesty and freedom for these political prisoners.

II. Statement of Facts

A. Background and December 21, 2021, Excessive Force Incident

Mr. Shaka Shakur is currently housed in VADOC custody. On December 21, 2021, Mr. Shakur was transferred from Green Rock Correctional Center to River North Correctional Center under circumstances that constitute clear constitutional violations. When Mr. Shakur arrived at River North Correctional Center, he was handcuffed from his wrists to his ankles and wearing transport gear. He was taken into a hallway and viciously assaulted by kicks, punches, and knees to and about the head and body.

During his escort and beating, the shackles around his ankles were repeatedly stomped on, stepped on, pulled and yanked causing significant wounds, breakage of the skin and bleeding. There were approximately seven prison guards who took Mr. Shakur into an off-camera area where he was beaten and called racial slurs. This excessive force incident resulted in injuries to his head, face, wrists, shoulders, legs and ankles with various cuts, lacerations and bruises all over his body.

Following this assault, Mr. Shakur was denied adequate medical care, with nursing staff refusing to examine his wounds, disinfect injuries, or check for broken bones or concussion despite visible bleeding from head wounds. He was subsequently subjected to ongoing harassment, sleep deprivation tactics, and psychological torture including denial of access to phones, tampering with food delivery, and guards deliberately creating noise to prevent sleep.

B. Recent Retaliation and Property Violations

In August 2025, when Mr. Shakur was in VADOC custody at Buckingham Correctional Facility, he was called out of his cell for a blood pressure check and a COVID test to prepare for surgery. At this time, Mr. Shakur was told he was going to be transferred to River North Correctional Facility. Mr. Shakur was not prepared for this abrupt change and requested to go back to pack up his property. Mr. Shakur was not allowed to go back and was told the only way to go back was to refuse the surgery. For several days Mr. Shakur voiced his grievance about not having his property. He also filed three grievances about it before he was transferred to River North.

The day before Mr. Shakur's surgery, at River North CC, Ofc. Michael Ryan Brinegar packed Mr. Shakur's property. Ofc. Brinegar is a defendant in Mr. Shakur's ongoing litigation about the December 21, 2021, excessive force incident: *Shakur v. Sherwood, et al*, 7:22cv00645 (W.D. Va.).

On Tuesday, September 30, 2025, Ofc. Brinegar "visited" Mr. Shakur around 2:30 pm, allegedly to deliver his property. Ofc. Brinegar stated that Mr. Shakur's cellmate packed up his property, and when Mr. Shakur asked to see his property, Ofc. Brinegar circled back away from him. Ofc. Brinegar was in control of Mr. Shakur's property, which included confidential legal paperwork in the litigation where Ofc. Brinegar **is a named defendant**.

As of today, Mr. Shakur has not received an inventory list of his property. He has now had his surgery and has been transferred to Sussex 1 but is being denied the ability to do physical therapy, which the doctor informed Mr. Shakur would be necessary for his rehabilitation. Throughout this process, Mr. Shakur has been denied adequate food, video contact with his family, and his possessions, including legal paperwork.

III. Legal Analysis

A. Eighth Amendment Violations - Excessive Force

The Eighth Amendment's prohibition against cruel and unusual punishment applies to conditions of confinement and the treatment of prisoners. The December 21, 2021, incident constitutes a clear violation of Mr. Shakur's Eighth Amendment rights under the excessive force standard established in *Hudson v. McMillian*, 503 U.S. 1 (1992).

In *Hudson*, the Supreme Court held that excessive force claims are governed by a subjective test focusing on whether force was applied "maliciously and sadistically to cause harm" rather than "in a good faith effort to maintain or restore discipline." The Court emphasized that the extent of injury is not dispositive, and that the absence of serious injury does not foreclose a claim.

Here, the facts establish that approximately seven correctional officers took Mr. Shakur into an off-camera area and subjected him to punches, kicks, and knee strikes while he was fully restrained in transport gear. The officers deliberately chose an area without camera surveillance, demonstrating premeditation and intent to conceal their actions. The use of racial slurs during the assault further evidences malicious intent rather than any legitimate penological purpose.

The pattern of conduct described, including stepping on ankle shackles to cause additional injury and the coordinated nature of the attack demonstrates the "wanton and unnecessary infliction of pain" that violates the Eighth Amendment. This conduct was "grossly disproportionate to the actual punishment imposed by the court" and served no legitimate institutional interest.

B. Deliberate Indifference to Medical Needs

The denial of medical care following the assault constitutes deliberate indifference to serious medical needs in violation of the Eighth Amendment under *Estelle v. Gamble*, 429 U.S. 97 (1976). Medical staff refused to examine Mr. Shakur's wounds, disinfect injuries, or check for potential concussion despite visible bleeding from head wounds. This conduct demonstrates both subjective awareness of the risk of serious harm and conscious disregard for that risk.

C. Prisoners' Rights to Access Legal Materials

The Constitution guarantees prisoners a fundamental right of access to the courts and legal materials. *Bounds v. Smith*, 430 U.S. 817 (1977); *Lewis v. Casey*, 518 U.S. 343 (1996). This right encompasses both access to legal materials and the ability to maintain confidential legal papers, particularly in ongoing litigation.

The current situation presents several constitutional violations:

1. **Interference with Legal Materials:** Allowing Ofc. Brinegar, a named defendant, in Mr. Shakur's federal civil rights lawsuit to handle his confidential legal paperwork creates an inherent conflict of interest and violates attorney-client privilege protections.
2. **Denial of Access:** Mr. Shakur's inability to retrieve his legal materials impedes his ability to pursue his federal civil rights claims and constitutes a violation of his right to access the courts.
3. **Retaliation:** The pattern of conduct, including the timing of property confiscation and the involvement of litigation defendants in handling his materials, suggests retaliation for Mr. Shakur's exercise of his First Amendment right to petition the courts.

D. First Amendment Retaliation

Prison officials cannot retaliate against prisoners for filing lawsuits or grievances. *Thaddens-X v. Blatter*, 175 F.3d 378 (6th Cir. 1999). The involvement of defendants from Mr. Shakur's ongoing litigation in controlling his property and legal materials, combined with the denial of adequate medical care and rehabilitation, establishes a prima facie case of retaliation that chills his constitutional rights.

E. Due Process Violations

The arbitrary denial of property, medical care, and rehabilitation services without adequate procedural safeguards violates substantive and procedural due process under the Fourteenth Amendment. The conduct described constitutes "arbitrary and capricious" action that shocks the conscience.

IV. Urgent Call for Action

The constitutional violations described herein demand immediate intervention. The Eighth Amendment's core principle forbids the infliction of "unnecessary and wanton infliction of pain" and "deliberate indifference to serious medical needs." The ongoing retaliation and interference with Mr. Shakur's legal rights compound these violations and create an environment of constitutional lawlessness.

As the director of VDOC, we urge you to immediately:

1. **Ensure Medical Care and Rehabilitation:** Immediately provide Mr. Shakur with proper medical treatment and physical therapy as prescribed by his treating physician;
2. **Return All Property:** Ensure the immediate return of all personal property, particularly confidential legal materials, with a complete inventory;
3. **Investigate Constitutional Violations:** Conduct a thorough investigation into the excessive force incident of December 21, 2021, and the ongoing pattern of retaliation;

4. **Implement Safeguards:** Establish procedures to prevent defendants in ongoing litigation from having access to or control over a plaintiff's legal materials;
5. **Disciplinary Action:** Hold accountable all officials who have participated in or failed to prevent these constitutional violations;
6. **Policy Review:** Review and reform policies to ensure compliance with constitutional requirements regarding excessive force, medical care, and access to legal materials.

The pattern of conduct documented herein constitutes serious constitutional violations that cannot be ignored or minimized. We look forward to your prompt response and immediate corrective measures.

Respectfully Submitted,

/s/ Jenipher R. Jones, Esq.

Jenipher R. Jones, Esq.

Co-Chair

National Lawyers Guild Prison Abolition Committee

/s/ Jihad Abdulmumit

Chairperson

The National Jericho Movement

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Attachment(s): N/A

Enclosure(s): N/A