

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
PENNSYLVANIA

Tomlin v. Smolke, et al.

Tomlin · No. 1:24-628 · Decided December 8, 2025

SUMMARY

The United States District Court for the Middle District of Pennsylvania granted summary judgment in favor of the defendants in Shawn Tomlin’s prisoner civil rights action alleging excessive force in violation of the Eighth Amendment. The court held that Tomlin failed to exhaust available administrative remedies under the Prison Litigation Reform Act because he did not appeal his grievance through all required levels of review. The court also granted Tomlin leave to amend to identify the John Doe defendants, denied his related discovery motions as moot, and directed that the case be closed.

CASE DETAILS

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| COURT                 | United States District Court for the Middle District of Pennsylvania                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| WRITING FOR THE COURT | Malachy E. Mannion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| JURISDICTION          | United States District Court for the Middle District of Pennsylvania                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| DECIDED               | December 8, 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| DOCKET                | 1:24-628                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| PROCEDURAL POSTURE    | Plaintiff brought a 42 U.S.C. § 1983 prisoner civil-rights action alleging Eighth and Fourteenth Amendment violations arising from an alleged excessive-force incident. After the Fourteenth Amendment claims were dismissed, defendant Smolke moved for summary judgment on the remaining Eighth Amendment claim. The court granted leave to amend to identify the John Doe defendants, denied discovery-related motions as moot, and granted summary judgment in favor of all defendants for failure to exhaust administrative remedies. |
| STANDARD OF REVIEW    | Summary judgment is proper when the pleadings, discovery, disclosures, and affidavits show no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. The court must view evidence and reasonable inferences in the light most favorable to the nonmovant, may not weigh evidence or make credibility determinations, and may grant summary judgment to                                                                                                                                                |

|                           |                                                                                                       |
|---------------------------|-------------------------------------------------------------------------------------------------------|
|                           | nonmoving defendants when the moving defendant's motion provided adequate notice of the legal issues. |
| <b>PRECEDENTIAL VALUE</b> | Unpublished district court memorandum; persuasive value only.                                         |
| <b>PARTIES</b>            | Shawn Tomlin v. Sgt. Smolke, John Doe defendants                                                      |

## TOPICS

prisoners rights

summary judgment

civil rights

section 1983

cruel and unusual punishment

## PRACTICE AREAS

Civil rights

Prisoner litigation

Federal civil procedure

## QUESTIONS PRESENTED

1. Whether defendant was entitled to summary judgment because Tomlin failed to properly exhaust available administrative remedies under the Prison Litigation Reform Act.
2. Whether the prison's initial-level extension and delayed response made the administrative grievance process unavailable or excused Tomlin's failure to appeal.
3. Whether summary judgment could be granted in favor of defendants who had not themselves moved for summary judgment.
4. Whether Tomlin should be permitted to amend the complaint to identify the John Doe defendants and conduct additional discovery for that purpose.

## HOLDINGS

1. Tomlin failed to exhaust administrative remedies because, although he filed a grievance and received an initial-level denial, he did not appeal through all stages required by DC-ADM 804.
2. The court could grant summary judgment to the nonmoving defendants because Smolke's motion provided Tomlin adequate notice of the legal issue on which judgment was granted and the record clearly established the same defense as to all defendants.
3. The court granted Tomlin's motions for leave to amend to name the John Doe defendants and directed the Clerk to amend the caption.

## KEY QUOTATIONS

*“Summary judgment is appropriate ‘if the pleadings, the discovery [including, depositions, answers to interrogatories, and admissions on file] and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law.’”*

*“An administrative remedy is unavailable, and administrative exhaustion is thus excused, in three situations: ‘(1) when ‘it operates as a simple dead end—with officers unable or consistently unwilling to provide any relief to aggrieved inmates’; (2) when it is ‘so opaque that it becomes, practically speaking, incapable of use,’ such as when no ordinary prisoner can discern or navigate it; or (3) when ‘prison administrators thwart*

*inmates from taking advantage of a grievance process through machination, misrepresentation, or intimidation.’”*

*“Thus, Tomlin should have erred on the side of exhaustion by appealing his grievance through all stages of administrative review.”*

## FACTUAL BACKGROUND

Tomlin, an inmate at SCI-Frackville, encountered correctional officers after exchanging an item later determined to contain narcotics. When Tomlin refused to submit to a search in the manner directed, Smolke used physical force to bring him to the ground, handcuff him, and place him in a restraint chair, and repeatedly tased him when he did not spit out the object in his mouth. Tomlin was later treated with Narcan and transported to a hospital; his only reported injuries were superficial knee abrasions. He filed a grievance concerning excessive force but did not appeal the denial through all levels of administrative review.

## PROCEDURAL HISTORY

Tomlin filed the action on April 11, 2024. Judge Christopher C. Conner dismissed the Fourteenth Amendment claims on December 5, 2024, leaving an Eighth Amendment excessive-force claim, and the case was reassigned to Judge Malachy E. Mannion on January 21, 2025. After discovery closed, Tomlin sought additional discovery and leave to amend to identify the John Doe defendants, while Smolke moved for summary judgment. The court permitted amendment, denied the additional-discovery motions as moot, and granted summary judgment to all defendants based on nonexhaustion under the PLRA.

## DISPOSITION

other

## CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 322-25 (1986)
- Turner v. Schering-Plough Corp., 901 F.2d 335, 340 (3d Cir. 1990)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248-49, 254 (1986)
- Aetna Cas. & Sur. Co. v. Ericksen, 903 F. Supp. 836, 838 (M.D. Pa. 1995)
- Marino v. Indus. Crating Co., 358 F.3d 241, 247 (3d Cir. 2004)
- Andreoli v. Gates, 482 F.3d 641, 647 (3d Cir. 2007)
- In re Bressman, 327 F.3d 229, 238 (3d Cir. 2003)
- Boyle v. County of Allegheny, 139 F.3d 386, 393 (3d Cir. 1998)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586 (1986)
- Jakimas v. Hoffman-La Roche, Inc., 485 F.3d 770, 777 (3d Cir. 2007)
- Lake v. Arnold, 112 F.3d 682, 689 (3d Cir. 1997)
- Baker v. McCollan, 443 U.S. 137 (1979)
- Downey v. Pa. Dep't of Corr., 968 F.3d 299, 305 (3d Cir. 2020)

- Woodford v. Ngo, 548 U.S. 81, 88, 93 (2006)
- Jones v. Bock, 549 U.S. 199, 216 (2007)
- Rinaldi, 904 F.3d 257, 266-68 (3d Cir. 2018)
- Ross v. Blake, 578 U.S. 632, 643-44 (2016)
- Couden v. Duffy, 446 F.3d 483, 500 (3d Cir. 2006)

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