

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Macarton N. Pierre v. Sgt. Brian Bates

Pierre v. Bates · No. 1:23-cv-262 · Decided February 13, 2026

SUMMARY

A Report and Recommendation from the United States District Court for the Western District of Pennsylvania recommends granting Defendant Brian Bates's motion for summary judgment in a prisoner civil-rights action under 42 U.S.C. § 1983. The magistrate judge concludes that Plaintiff failed to exhaust administrative remedies as to his claims and, alternatively, that video evidence defeats his excessive-force, failure-to-protect, and retaliation claims.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Patricia L. Dodge
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	February 13, 2026
DOCKET	1:23-cv-262
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on Defendant's motion for summary judgment in a prisoner civil-rights action under 42 U.S.C. § 1983.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court viewed the evidence in the light most favorable to the nonmoving party, but applied the rule that reliable video evidence controls when it blatantly contradicts a party's version of events. Exhaustion was treated as an affirmative defense that Defendant bore the burden to plead and prove.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Macarton N. Pierre v. Sgt. Brian Bates

TOPICS

- prisoners rights
- section 1983
- summary judgment
- civil procedure
- first amendment

PRACTICE AREAS

prisoner civil rights

constitutional litigation

federal civil procedure

QUESTIONS PRESENTED

1. Whether Pierre exhausted available administrative remedies as to his claims against Bates under the PLRA and Pennsylvania's inmate grievance procedures.
2. Whether the grievance process was unavailable because Pierre allegedly did not receive the initial review response.
3. Whether the video evidence established that Bates did not use excessive force.
4. Whether the evidence established that Bates did not have a realistic and reasonable opportunity to intervene in excessive force by other officers.
5. Whether the evidence supported Pierre's First Amendment retaliation claim based on his Black Lives Matter statement.
6. Whether Pierre exhausted his Fourteenth Amendment equal-protection claim.

HOLDINGS

1. A prisoner must properly exhaust the administrative remedies defined by the prison's grievance procedures, and Pierre's grievance did not grieve any actionable conduct by Bates; therefore, summary judgment should be granted to Bates on all claims for failure to exhaust.
2. Even assuming that the administrative appeal process was unavailable because Pierre did not receive the initial grievance response, the grievance still failed to exhaust claims against Bates because it did not identify Bates's alleged misconduct.
3. Alternatively, Bates was entitled to summary judgment on Pierre's excessive-force claim because the video showed that Bates used force in response to Pierre's assault and used no more force than necessary to regain control.
4. Alternatively, Bates was entitled to summary judgment on Pierre's failure-to-protect claim because the video did not show that Bates failed to intervene in an actionable use of force or had a realistic and reasonable opportunity to do so.
5. Alternatively, Bates was entitled to summary judgment on Pierre's retaliation claim because no reasonable jury could find that Bates used excessive force because of Pierre's Black Lives Matter statement.
6. Pierre failed to exhaust his Fourteenth Amendment equal-protection claim because his grievance contained no reference to conduct indicating an equal-protection violation.

KEY QUOTATIONS

“Thus, the Court assumes for the purposes of disposing of Bates’ motion that Plaintiff did not receive the initial review response and that the appeal process was therefore unavailable to him” (at 6)

“When opposing parties tell two different stories, one of which is blatantly contradicted by the record, so that no reasonable jury could believe it, a court should not adopt that version of the facts for purposes of ruling on a motion for summary judgment.” (at 8)

FACTUAL BACKGROUND

Pierre, an inmate in Pennsylvania Department of Corrections custody, became involved in an altercation with correctional officers at SCI-Albion on April 21, 2023, after he complained about officer conduct and shouted "Black Lives Matter" near his cell. Pierre alleged that Bates and other officers used excessive force, failed to protect him, retaliated against his political speech, and discriminated against him because of his race. Available video showed Pierre striking Officer Giroux and Bates, struggling with officers, and being restrained for less than two minutes. Pierre filed a grievance describing conduct by several officers after he was handcuffed, but the magistrate judge found that it did not identify misconduct by Bates or assert the claims raised in the lawsuit.

PROCEDURAL HISTORY

Pierre filed a pro se amended complaint alleging that correctional officer Brian Bates violated the First, Eighth, and Fourteenth Amendments during an April 21, 2023 prison altercation. The court dismissed claims against Bates in his official capacity but permitted the equal-protection claim to proceed; Bates answered, discovery occurred, and he moved for summary judgment. The magistrate judge recommends granting summary judgment on the ground that Pierre failed to exhaust administrative remedies as to Bates and, alternatively, because the record and video evidence negate the excessive-force, failure-to-protect, and retaliation claims.

DISPOSITION

other

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 322-24 (1986)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Hugh v. Butler Cty. Fam. YMCA, 418 F.3d 265, 267 (3d Cir. 2005)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Barnett v. NJ Transit Corp., 573 F. App'x 239, 243 (3d Cir. 2014)
- Siluk v. Beard, 395 F. App'x 817, 820 (3d Cir. 2010)
- Mala v. Crown Bay Marina, Inc., 704 F.3d 239, 245 (3d Cir. 2013)
- Woodford v. Ngo, 548 U.S. 81 (2006)
- Jones v. Bock, 549 U.S. 199, 216, 218 (2007)
- Brown v. Croak, 312 F.3d 109, 111 (3d Cir. 2002)
- Spruill v. Gillis, 372 F.3d 218, 230-32 (3d Cir. 2004)
- Shifflett v. Korszniak, 934 F.3d 356, 364 (3d Cir. 2019)

- *Small v. Camden County*, 728 F.3d 265, 273 (3d Cir. 2013)
- *Hughes v. Hayes*, 1:18-cv-50, 2018 WL 6697184 (W.D. Pa. Dec. 20, 2018)
- *Smith v. Mensinger*, 293 F.3d 641, 649-51 (3d Cir. 2002)
- *Wilkins v. Gaddy*, 559 U.S. 34, 37 (2010)
- *Bistrian v. Levi*, 696 F.3d 352, 367, 371 (3d Cir. 2012)
- *Bistrian v. Levi*, 912 F.3d 79, 84 (3d Cir. 2018)
- *Mitchell v. Horn*, 318 F.3d 523, 530 (3d Cir. 2003)
- *Rauser v. Horn*, 241 F.3d 330, 333-34 (3d Cir. 2001)
- *Laurensau v. Pluck*, No. 2:12-cv-623, 2013 WL 4779010, at *11 (W.D. Pa. Sept. 5, 2013)
- *Scott v. Harris*, 550 U.S. 372, 379-80 (2007)
- *Morgan v. Borough of Fanwood*, 680 F. App'x 76, 80 (3d Cir. 2017)
- *Brightwell v. Lehman*, 637 F.3d 187, 193 n.7 (3d Cir. 2011)