

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Garry Yarrington, et al. v. Gardens of Gettysburg 741, et al.

Yarrington · No. 1:25-CV-02440 · Decided March 18, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania overruled Jodie Louise Byrne’s objections to a magistrate judge’s report and recommendation. The court adopted the recommendation in its entirety and dismissed the pro se complaint without prejudice, granting Plaintiffs 21 days to file an amended complaint. The court also granted Byrne’s request to change her mailing address.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Karoline Mehalchick
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	March 18, 2026
DOCKET	1:25-CV-02440
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation screening a pro se complaint under 28 U.S.C. § 1915(e)(2), considered the plaintiff's objections de novo, adopted the report and recommendation, and dismissed the complaint without prejudice while allowing amendment.
STANDARD OF REVIEW	De novo review of challenged portions of a magistrate judge's report and recommendation when timely and specific objections are filed; nonspecific or nonresponsive objections do not require de novo reconsideration of the underlying findings.
PRECEDENTIAL VALUE	nonprecedential district court order
PARTIES	Garry Yarrington, Jodie Louise Byrne v. Gardens of Gettysburg 741, Steve Burgoon, Judge Shawn C. Wagner, Court Appointed Attorney for GTY, Michael Yarrington, Gensis Health Care, Gettysburg Hospital, Jane Doe

TOPICS

civil procedure section 1983 subject matter jurisdiction pleadings

PRACTICE AREAS

civil procedure civil rights constitutional law

QUESTIONS PRESENTED

1. Whether Byrne's objections and later filings adequately challenged the magistrate judge's substantive findings and required relief from the report and recommendation.
2. Whether the report and recommendation should be adopted and the complaint dismissed without prejudice for the deficiencies identified during screening under 28 U.S.C. § 1915(e)(2).
3. Whether Byrne's request to change her listed mailing address should be granted.

HOLDINGS

1. Objections that merely restate allegations from the complaint and do not respond to the report and recommendation's substantive findings fail to warrant relief; the court may overrule those objections and adopt the report and recommendation.
2. The report and recommendation was properly adopted, and the complaint was dismissed without prejudice because the pleading deficiencies identified during screening were not cured through responsive objections.
3. The court liberally construed Byrne's filings, including documents labeled motions to clarify, as objections where appropriate, but liberal construction did not excuse the failure to present substantive objections.

KEY QUOTATIONS

"When a party timely files objections, the district court is to conduct a de novo review of the challenged portions of the Magistrate Judge's findings unless the objection is 'not timely or not specific.'" (Opinion text)

"Objections should be overruled where the objector fails to respond to the report and recommendation's substantive holdings and merely repeats allegations alleged from the operative complaint." (Opinion text)

FACTUAL BACKGROUND

Plaintiffs alleged that the defendants were liable for elder abuse, embezzlement, and violations of their constitutional rights. The complaint named private entities and individuals as well as Pennsylvania state court Judge Shawn C. Wagner. The magistrate judge found deficiencies concerning state action, judicial immunity, jurisdiction over the requested disbarment relief, and the absence of private rights of action for the asserted criminal-law theories.

PROCEDURAL HISTORY

Plaintiffs filed a pro se complaint asserting elder abuse, embezzlement, and constitutional claims. After Byrne sought leave to proceed in forma pauperis, Judge Bloom conditionally granted the request, screened the complaint, and recommended dismissal with leave to amend because the constitutional claims did not adequately identify state action, claims against a state judge implicated judicial immunity, and the remaining claims presented jurisdictional or private-right-of-action problems. Byrne filed objections and later documents construed as late objections; the district court overruled the objections, adopted the report and recommendation in its entirety, dismissed the complaint without prejudice, and granted 21 days to amend.

DISPOSITION

dismissed

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Brown v. Astrue, 649 F.3d 193, 195 (3d Cir. 2011)
- Goney v. Clark, 749 F.2d 5, 6-7 (3d Cir. 1984)
- Rahman v. Gartley, No. CV 3:23-363, 2024 WL 555894, at *1 (M.D. Pa. Feb. 12, 2024)
- United States v. Raddatz, 447 U.S. 667, 676 (1980)
- Coley v. Beard, No. CIVA 3:05CV2290, 2006 WL 1670253, at *5 (M.D. Pa. June 13, 2006)
- Wassel v. Pike County, No. 3:22CV145, 2025 WL 1710245, at *4 (M.D. Pa. June 18, 2025)
- Gary v. Workers Comp. Appeals Board, No. 1:19-CV-961, 2019 WL 13440623, at *1 (M.D. Pa. June 24, 2019)

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