

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Anthony B. Harrell v. Laurel Harry, et al.

Harrell v. Harry · No. 1:24-cv-00063 · Decided June 1, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania grants Plaintiff Anthony B. Harrell’s Rule 59(e) motion for reconsideration after determining that his objections to the magistrate judge’s report and recommendation were timely mailed. The court vacates its prior memorandum order, adopts the report and recommendation as modified, dismisses certain claims with prejudice, and permits amendment of specified federal, Eighth Amendment, and negligence claims. The order also reinstates certain state-law claims pending a timely amended complaint and terminates or reinstates specified defendants.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Susan Paradise Baxter
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	June 1, 2026
DOCKET	1:24-cv-00063
DISPOSITION	vacated
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 59(e) for reconsideration of the court's prior order adopting a magistrate judge's report and recommendation and granting defendants' motions to dismiss. The court construed the motion as one for reconsideration, granted it, vacated the prior order, reconsidered plaintiff's objections, and modified the dismissal rulings.
STANDARD OF REVIEW	Reconsideration under Federal Rule of Civil Procedure 59(e); the court also reviewed the sufficiency of the pleadings under the standards applicable to motions to dismiss.
PRECEDENTIAL VALUE	unpublished

TOPICS

motion for reconsideration

motions to dismiss

section 1983

civil rights

pleadings

PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether reconsideration was warranted because plaintiff timely mailed objections to the magistrate judge's report and recommendation before the objection deadline, even though the clerk received them afterward.
2. Whether plaintiff's allegations sufficiently pleaded personal involvement by the supervisory defendants in the alleged constitutional violations.
3. Whether claims involving defendants Biel and Recher were properly dismissed because their alleged involvement was limited to the grievance process.
4. Whether plaintiff's Eighth Amendment and state-law negligence claims against Defendant Snyder should remain dismissible without prejudice and subject to amendment.
5. Whether Defendant Snyder's motion to dismiss for failure to opt out was moot.

HOLDINGS

1. Reconsideration under Rule 59(e) was warranted because plaintiff established that he submitted his objections for mailing on April 19, 2026, before the April 20 objection deadline.
2. Although plaintiff's allegations minimally identified the contours of personal involvement by alleging that the supervisory defendants directed or acquiesced in subordinate misconduct, the allegations lacked the specificity required to state cognizable claims. The claims against Harry, Varner, Irwin, Bogardus, Walker, Lesko, Spencer, and Fiedor were therefore dismissed without prejudice, with thirty days to amend and specify how each defendant was personally involved.
3. The claims against defendants Biel and Recher were dismissed with prejudice because their involvement was limited to the grievance process and was insufficient to establish liability under Section 1983.
4. Plaintiff's Eighth Amendment deliberate-indifference and state-law negligence claims against Snyder were dismissed without prejudice, with thirty days to file an amended complaint. If plaintiff failed to amend appropriately, those dismissals would convert to dismissals with prejudice.

KEY QUOTATIONS

“a supervisor may be personally liable under § 1983 if he or she participated in violating the plaintiff's rights, directed others to violate them, or, as the person in charge, had knowledge of and acquiesced”
(Memorandum Order)

“Allegations of participation or actual knowledge and acquiescence, however, must be made with appropriate particularity” (Memorandum Order)

FACTUAL BACKGROUND

Plaintiff Anthony B. Harrell alleged that correctional and supervisory defendants retaliated against him for constitutionally protected conduct by directing or acquiescing in the destruction, concealment, loss, confiscation, vandalism, or misplacement of his property and access to property rights. He also asserted an Eighth Amendment deliberate-indifference claim and state-law negligence claims against Defendant Snyder. The court focused on whether the allegations sufficiently pleaded personal involvement by the supervisory defendants and whether the objections had been timely mailed.

PROCEDURAL HISTORY

The magistrate judge issued a report and recommendation on January 30, 2026, recommending dismissal of plaintiff's claims. After the objection deadline passed, the district court adopted the recommendation and granted defendants' motions to dismiss. Plaintiff then showed that he had timely mailed objections on April 19, 2026, although the clerk received them on April 28, 2026. The district court granted reconsideration, vacated its prior order, reviewed the objections, dismissed some claims with prejudice, dismissed other claims without prejudice with leave to amend, reinstated certain state-law claims pending amendment, and adopted the report and recommendation as modified.

DISPOSITION

vacated

REMAND INSTRUCTIONS

No remand to a separate lower court was ordered. Plaintiff was granted thirty days from June 1, 2026, to file an amended complaint specifying with particularity the personal involvement of the identified supervisory defendants and to amend or reassert the Eighth Amendment and negligence claims against Snyder.

CASES CITED

- *Barkes v. First Correctional Medical*, 166 F.3d 307, 316 (3d Cir. 1999), rev'd on other grounds, 575 U.S. 822 (2015)
- *Baker v. Monroe Township*, 50 F.3d 1186, 1190 (3d Cir. 1995)
- *Rode v. Dellarciprete*, 845 F.2d 1195, 1208 (3d Cir. 1988)