

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Isaiah Best, et al. v. SCI-Phoenix, et al.

Best v. SCI-Phoenix · No. No. 25-CV-6957 · Decided March 2, 2026

SUMMARY

The Eastern District of Pennsylvania dismisses Michael James Mark Sinclair without prejudice as a named plaintiff because he neither paid the filing fees nor submitted an application to proceed in forma pauperis. The court grants Isaiah Best leave to proceed in forma pauperis but dismisses his claims, allowing amendment of certain claims while dismissing claims against immune or unsuitable defendants without leave to amend.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Gerald J. Pappert
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	March 2, 2026
DOCKET	No. 25-CV-6957
DISPOSITION	other
PROCEDURAL POSTURE	Pro se prisoner civil-rights action seeking declaratory relief and monetary damages; the court screened the complaint under 28 U.S.C. § 1915(e)(2)(B), granted Best leave to proceed in forma pauperis, dismissed Sinclair as a named plaintiff for failure to pay the filing fee or seek in forma pauperis status, and dismissed Best's complaint.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B)(ii), the court applied the same standard used for a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6): accepting well-pleaded factual allegations as true and determining whether the complaint stated a plausible claim for relief. The court also liberally construed the pro se allegations while requiring sufficient factual allegations.
PRECEDENTIAL VALUE	unpublished

PARTIES

Isaiah Best, Michael James Mark Sinclair v. SCI-Phoenix,
Commonwealth of Pennsylvania, United States, Pennsylvania
Department of Corrections, Joseph Terra

TOPICS

section 1983 prisoners rights motions to dismiss sovereign immunity eleventh amendment immunity

PRACTICE AREAS

prisoner civil rights constitutional law civil procedure sovereign immunity remedies

QUESTIONS PRESENTED

1. Whether Sinclair's claims should be dismissed because he failed to pay the filing fees or file an application to proceed in forma pauperis after being given an opportunity to cure.
2. Whether Best stated a plausible claim under 42 U.S.C. § 1983 against the named defendants based on the alleged prison conditions.
3. Whether Pennsylvania, the Pennsylvania Department of Corrections, and SCI Phoenix are persons subject to suit under § 1983 and whether they are immune from damages claims under the Eleventh Amendment.
4. Whether the United States is immune from claims for money damages based on alleged constitutional violations.
5. Whether Best adequately alleged personal involvement or supervisory liability against Superintendent Terra.
6. Whether the court had an independent basis for jurisdiction over Best's state-law negligence claim.
7. Whether claims under the Pennsylvania Constitution and the Universal Declaration of Human Rights were legally actionable.

HOLDINGS

1. A plaintiff who fails to pay the required filing fees or submit an adequate application to proceed in forma pauperis after being given an opportunity to cure may be dismissed from the action for failure to prosecute.
2. A § 1983 complaint must allege a constitutional or statutory deprivation by a person acting under color of state law and must identify each defendant's personal involvement in the alleged violation; collective allegations against 'Defendants' are insufficient.
3. Pennsylvania and its agencies, including the Pennsylvania Department of Corrections and SCI Phoenix, are not persons subject to § 1983 damages liability and are protected by Eleventh Amendment immunity from suits for money damages in federal court.
4. The United States and its agencies are generally immune from suits seeking money damages, and the United States has not waived sovereign immunity for constitutional or § 1983 claims.

5. A supervisor cannot be held liable under § 1983 merely because of his position; the plaintiff must plead particularized facts showing participation, direction, actual knowledge and acquiescence, or a deliberately indifferent policy, practice, custom, or failure to supervise or train that caused the constitutional injury.
6. When federal claims have been dismissed and the complaint does not establish complete diversity and the amount in controversy required by 28 U.S.C. § 1332(a), the court will not exercise supplemental jurisdiction over a state-law negligence claim.
7. The asserted damages claims under the Pennsylvania Constitution and the Universal Declaration of Human Rights are not legally actionable because Pennsylvania recognizes no private damages action under its Constitution and the Universal Declaration creates no private right of action.

KEY QUOTATIONS

“To state a claim under § 1983, a plaintiff must allege the violation of a right secured by the Constitution and laws of the United States, and must show that the alleged deprivation was committed by a person acting under color of state law.” (III.B.1)

“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 in the subordinate’s unconstitutional conduct.”” (III.B.1.c)

FACTUAL BACKGROUND

Best and Sinclair, inmates who shared a cell at SCI Phoenix, alleged that their cell's water and toilet stopped functioning on December 8, 2024. The toilet overflowed with feces and urine, and the inmates allegedly had to use it, eat meals in the cell, and endure the conditions until repairs were completed on December 15, 2024; they also alleged that they lacked drinking water during that period. They asserted federal constitutional, Pennsylvania constitutional, Universal Declaration of Human Rights, and negligence claims against SCI Phoenix, Pennsylvania, the United States, the Pennsylvania Department of Corrections, and Superintendent Joseph Terra.

PROCEDURAL HISTORY

Best and Sinclair filed a complaint concerning conditions of confinement at SCI Phoenix. The court previously gave Sinclair thirty days to pay the filing and administrative fees or submit an in forma pauperis application with a certified account statement, but he did neither. The court granted Best leave to proceed in forma pauperis, screened the complaint, dismissed claims against immune or improper defendants without leave to amend where amendment would be futile, and dismissed the remaining claims without prejudice with leave to amend.

DISPOSITION

other

CASES CITED

- Kentucky v. Graham, 473 U.S. 159, 165-66 (1985)
- Stanek v. St. Charles Cmty. Unit Sch. Dist. No. 303, 783 F.3d 634, 644 (7th Cir. 2015)
- Cuvo v. De Biasi, 169 F. App'x 688, 693 (3d Cir. 2006)
- Miles v. Zech, 788 F. App'x 164, 167 (3d Cir. 2019) (per curiam)
- Plouffe v. Cevallos, 777 F. App'x 594, 601 (3d Cir. 2019)
- Pocono Mountain Charter Sch. v. Pocono Mountain Sch. Dist., 442 F. App'x 681, 687 (3d Cir. 2011)
- United States v. Chatman, 351 F. App'x 740, 741 (3d Cir. 2009)
- Sosa v. Alvarez-Machain, 542 U.S. 692, 734 (2004)
- Best v. S.C.I. Huntingdon, No. 19-01599, 2019 WL 5866707, at *5 (M.D. Pa. Oct. 9, 2019)
- Hamilton v. Dolce, No. 18-2615, 2019 WL 4509375, at *3 (D.N.J. Sept. 19, 2019)
- Pavalone v. Pres. Mgmt. Inc., No. 18-191, 2019 WL 1117931, at *3 (M.D. Pa. Jan. 8, 2019)
- Corliss v. O'Brien, 200 F. App'x 80, 84 (3d Cir. 2006) (per curiam)
- Tourscher v. McCullough, 184 F.3d 236, 240 (3d Cir. 1999)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Vogt v. Wetzel, 8 F.4th 182, 185 (3d Cir. 2021)
- Mala v. Crown Bay Marina, Inc., 704 F.3d 239, 244-45 (3d Cir. 2013)
- Doe v. Allegheny Cnty. Hous. Auth., No. 23-1105, 2024 WL 379959, at *3 (3d Cir. Feb. 1, 2024) (per curiam)
- Higgins v. Beyer, 293 F.3d 683, 688 (3d Cir. 2002)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Rode v. Dellarciprete, 845 F.2d 1195, 1207 (3d Cir. 1988)
- Lawal v. McDonald, 546 F. App'x 107, 113 (3d Cir. 2014)
- Will v. Mich. Dep't of State Police, 491 U.S. 58, 65-66 (1989)
- Pennhurst State Sch. & Hosp. v. Halderman, 465 U.S. 89, 99-100 (1984)
- Downey v. Pa. Dep't of Corr., 968 F.3d 299, 309-10 (3d Cir. 2020)
- Brooks v. Beard, 167 F. App'x 923, 926 (3d Cir. 2006) (per curiam)
- Lavia v. Pa. Dep't of Corr., 224 F.3d 190, 195 (3d Cir. 2000)
- Pettaway v. SCI Albion, 487 F. App'x 766, 768 (3d Cir. 2012) (per curiam)
- Endrikat v. Little, No. 23-2167, 2023 WL 8519196, at *3 (3d Cir. Dec. 8, 2023) (per curiam)
- Dep't of Agric. Rural Dev. Rural Hous. Serv. v. Kirtz, 601 U.S. 42, 48 (2024)
- United States v. Testan, 424 U.S. 392, 399 (1976)
- FDIC v. Meyer, 510 U.S. 471, 475 (1994)
- Ellerbe v. U.S. Dist. Ct. for E. Dist. of Pa., No. 22-4250, 2022 WL 17177481, at *3 n.3 (E.D. Pa. Nov. 23, 2022)
- Alasevich v. U.S. Air Force Reserve, No. 95-2572, 1997 WL 152816, at *1 (E.D. Pa. Mar. 26, 1997)
- Saisi v. Murray, 822 F. App'x 47, 48 (3d Cir. 2020) (per curiam)
- Evancho v. Fisher, 423 F.3d 347, 354 (3d Cir. 2005)
- Wharton v. Danberg, 854 F.3d 234, 243 (3d Cir. 2017)

- *Barkes v. First Corr. Med., Inc.*, 766 F.3d 307, 316-17 (3d Cir. 2014)
- *Taylor v. Barkes*, 575 U.S. 822 (2015)
- *Dooley v. Wetzel*, 957 F.3d 366, 374 (3d Cir. 2020)
- *Chavarriaga v. N.J. Dep't of Corr.*, 806 F.3d 210, 222, 227 (3d Cir. 2015)
- *A.M. ex rel. J.M.K. v. Luzerne Cnty. Juvenile Det. Ctr.*, 372 F.3d 572, 586 (3d Cir. 2004)
- *Lincoln Benefit Life Co. v. AEI Life, LLC*, 800 F.3d 99, 104-05 (3d Cir. 2015)
- *Lincoln Prop. Co. v. Roche*, 546 U.S. 81, 89 (2005)
- *Zambelli Fireworks Mfg. Co. v. Wood*, 592 F.3d 412, 419 (3d Cir. 2010)
- *Washington v. Hovensa LLC*, 652 F.3d 340, 344 (3d Cir. 2011)
- *Pierro v. Kugel*, 386 F. App'x 308, 309 (3d Cir. 2010)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA ISAAH BEST, et al.,: Plaintiffs,: v.: CIVIL ACTION NO. 25-CV-6957 SCI-PHOENIX, et al.,: Defendants.: MEMORANDUM Pappert, J. March 2, 2026 Isaiah Best and Michael James Mark Sinclair, inmates at SCI Phoenix, initiated this civil action by filing a pro se Complaint seeking declaratory relief and monetary damages based on their conditions of confinement.

(Compl. (Dkt. No. 1) at 3-4.) Best seeks to proceed in forma pauperis. (Dkt. Nos. 4, 5.) For the following reasons, Sinclair will be dismissed without prejudice as a named plaintiff, and all claims asserted on his behalf will also be dismissed without prejudice.

The Court will grant Best leave to proceed in forma pauperis and dismiss his complaint. 11 The Complaint names the following Defendants: (1) SCI Phoenix; (2) Commonwealth of Pennsylvania; (3) United States; (4) Pennsylvania Department of Corrections (“DOC”); and (5) Superintendent Joseph Terra.² (Compl. at 2-3.) According 1 The factual allegations in this Memorandum are taken from the handwritten Complaint (Dkt.

No. 1), and the Court adopts the sequential pagination assigned by the CM/ECF docketing system. Where the Court quotes from pro se submissions, punctuation, spelling, and capitalization errors will be cleaned up. 2 Terra was sued in both his individual and official capacities. (Compl. at 3.) Suing an officer or employee in his official capacity is essentially a means of pleading claims against to the Complaint, Best and Sinclair shared a cell at SCI Phoenix.

(Id. at 3.) On December 8, 2024, the “water and toilet” in their cell “stopped working and functioning” and Sinclair notified a “block officer named Thomas” that their cell “needed emergency repairs.” (Id. at 3, 6.) Thomas replied that he would “put in a work order with prison staff.”³ (Id. at 6.) Best and Sinclair advised “the S-Block officers of the repairs needed within the cell” as well as the “current living conditions” on December 10, 2024.

(Id. at 3.) By December 11, 2024, the toilet “was full of feces and urine” and began to overflow. (Id.) The block officer was notified “but no alternative, or remedy was given” and requests for a cell change were ignored. (Id.) Best and Sinclair were “forced to use the toilet” that was overflowing with feces and urine, and they allege that their “body parts” came into contact with human waste whenever they used the toilet.

(Id.) Best and Sinclair were also “forced to eat most meals in the cell, with the toilet full of human waste” and had to endure the smell until the cell was repaired on December 15, 2024. (Id.) They also claim that they “did not have any drinking water” in the cell from December 8, 2024, through December 15, 2024. (Id. at 3, 6.) Best and Sinclair allege violations of the First Amendment right “to petition the government for a redress of grievances,” the Eighth Amendment, Article 1 of the the entity of which the officer or employee is an agent.

See *Kentucky v. Graham*, 473 U.S. 159, 165-66 (1985). Since the official capacity claim against Defendant Terra is duplicative of the claims against Terra’s employer, who is also named as a Defendant, the Court will dismiss the official capacity claim. See, e.g., *Stanek v. St. Charles Cmty. Unit Sch. Dist. No. 303*, 783 F.3d 634, 644 (7th Cir. 2015) (“The district court correctly dismissed these defendants in their official capacity because the Staneks also sued the District.” (citations omitted)); *Cuvo v. De Biasi*, 169 F. App’x 688, 693 (3d Cir.

2006) (“Because Cuvo is suing Palmer Township, the suit against the officers in their official capacities is redundant.” (citation omitted)). 3 Thomas is not named as a defendant in the Complaint. Pennsylvania Constitution,⁴ the Universal Declaration of Human Rights,⁵ and a state law claim of negligence. (Id. at 2, 4.) They seek declaratory relief⁶ and money damages.

(Id. at 4.) 4 Any § 1983 claims brought under the Pennsylvania Constitution must be dismissed. “Pennsylvania does not have a statutory equivalent to § 1983 and does not recognize a private right of action for damages stemming from alleged violation of the state constitution.” *Miles v. Zech*, 788 F. App’x 164, 167 (3d Cir. 2019) (per curiam).

As there is no private right of action for damages under the Pennsylvania Constitution, these claims are not plausible. See *Plouffe v. Cevallos*, 777 F. App’x 594, 601 (3d Cir. 2019) (“[N]or is there a private right of action for damages under the Pennsylvania Constitution”); *Pocono Mountain Charter Sch. v. Pocono Mountain Sch. Dist.*, 442 F. App’x 681, 687 (3d Cir.

2011) (“No Pennsylvania statute establishes, and no Pennsylvania court has recognized, a private cause of action for damages under the Pennsylvania Constitution.”). 5 Any claims brought under the Universal Declaration of Human Rights must also be dismissed.

As the United States Court of Appeals for the Third Circuit has recognized, “the Universal Declaration of Human Rights is a non-binding declaration that provides no private rights of action.” See *United States v. Chatman*, 351 F. App’x 740, 741 (3d Cir. 2009) (citing *Sosa v.*

Alvarez-Machain, 542 U.S. 692, 734 (2004)) (explaining that the Universal Declaration of Human Rights is merely a resolution of the United Nations and “does not of its own force impose obligations as a matter of international law”).

District courts throughout this Circuit have routinely dismissed claims brought under the Universal Declaration of Human Rights with prejudice for failure to state a claim or as legally frivolous. See, e.g., *Best v. S.C.I. Huntingdon*, No. 19-01599, 2019 WL 5866707, at *5 (M.D. Pa. Oct. 9, 2019), report and recommendation adopted, 2019 WL 5868259 (M.D. Pa. Nov.

8, 2019) (recommending dismissal of claims under the Universal Declaration of Human Rights for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and § 1915A(b)(1) in a prisoner civil rights action); *Hamilton v. Dolce*, No. 18-2615, 2019 WL 4509375, at *3 (D.N.J. Sept. 19, 2019) (dismissing with prejudice pro se prisoner’s claims for violations of the Universal Declaration of Human Rights); *Pavalone v. Pres.*

Mgmt. Inc., No. 18-191, 2019 WL 1117931, at *3 (M.D. Pa. Jan. 8, 2019), report and recommendation adopted, 2019 WL 1117919 (M.D. Pa. Mar. 11, 2019) (recommending dismissal of non-prisoners’ claims for the “alleged violation[s] of their rights under the Universal Declaration of Human Rights... as legally frivolous, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)). 6 Declaratory relief is unavailable to litigants who seek a proclamation that their rights were violated in the past.

See, e.g., *Corliss v. O’Brien*, 200 F. App’x 80, 84 (3d Cir. 2006) (per curiam) (“Declaratory judgment is inappropriate solely to adjudicate past conduct” and is also not “meant simply to proclaim that one party is liable to another.”). II The Court will grant *Best* leave to proceed in forma pauperis because it appears that he is incapable of paying the fees to commence this civil action.⁷ Accordingly, 28 U.S.C. § 1915(e)(2)(B) requires the Court to dismiss the complaint if, among other things, it fails to state a claim.

Whether a complaint fails to state a claim under § 1915(e)(2)(B)(ii) is governed by the same standard applicable to motions to dismiss under Federal Rule of Civil Procedure 12(b)(6), see *Tourscher v. McCullough*, 184 F.3d 236, 240 (3d Cir. 1999), which requires the Court to determine whether the complaint contains “sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quotations omitted).

Conclusory allegations do not suffice. *Iqbal*, 556 U.S. at 678. As *Best* is proceeding pro se, the Court construes his allegations liberally. *Vogt v. Wetzel*, 8 F.4th 182, 185 (3d Cir. 2021) (citing *Mala v. Crown Bay Marina, Inc.*, 704 F.3d 239, 244-45 (3d Cir. 2013)).

However, “pro se litigants still must allege sufficient facts in their complaints to support a claim.” *Id.* (quoting *Mala*, 704 F. 3d at 245). An unrepresented litigant “cannot flout procedural rules —

they must abide by the same rules that apply to all other litigants.” Id. (quoting *Mala*, 704 F. 3d at 245); see also *Doe v. Allegheny Cnty. Hous. Auth.*, No. 23-1105, 2024 WL 379959, at *3 (3d Cir.

Feb. 1, 2024) (per curiam) (“While a court must liberally construe the allegations and ‘apply the applicable law, irrespective of whether the pro se litigant mentioned it by name,’ *Higgins v. Beyer*, 293 F.3d 683, 688 (3d Cir. 2002), this does not require the court to act 7 However, because Best is incarcerated, he will be obligated to pay the \$350 filing fee in installments in accordance with the Prison Litigation Reform Act.

See 28 U.S.C. § 1915(b). as an advocate to identify any possible claim that the facts alleged could potentially support.”). Further, the Court must dismiss any claims that seek monetary damages from an immune defendant. 28 U.S.C. § 1915(e)(2)(B)(iii). III A Sinclair did not pay the fees necessary to commence a civil action in this court or file an application to proceed in forma pauperis.

Consequently, by Order dated December 16, 2025, the Court granted Sinclair a thirty-day opportunity to cure this deficiency and the Clerk of Court sent him a blank copy of the Court’s form application to proceed in forma pauperis. (Dkt. No. 3.) Sinclair was told that if he failed to either (1) pay \$405 (comprising the \$350 filing fee and \$55 administrative fee) to the Clerk of Court, or (2) file a motion to proceed in forma pauperis with a certified copy of his six- month prisoner account statement within the thirty-day period, his claims would be dismissed without further notice for failure to prosecute.

(Id.) Sinclair has not paid the fees necessary to commence a civil action or filed an application to proceed in forma pauperis. B 1 The vehicle by which federal constitutional claims may be brought in federal court is an action under 42 U.S.C. § 1983. “To state a claim under § 1983, a plaintiff must allege the violation of a right secured by the Constitution and laws of the United States, and must show that the alleged deprivation was committed by a person acting under color of state law.” *West v. Atkins*, 487 U.S. 42, 48 (1988).

The personal involvement of each defendant in the alleged constitutional violation is a required element, and, therefore, a plaintiff must allege how each defendant was involved in the events and occurrences giving rise to the claims. See *Rode v. Dellarciprete*, 845 F.2d 1195, 1207 (3d Cir. 1998). A plaintiff may not plead in the collective by using the word “Defendants” without specifying which defendant engaged in the specific conduct alleged by the plaintiff.

See *Lawal v. McDonald*, 546 F. App’x 107, 113 (3d Cir. 2014). In other words, a complaint must allege facts about what each defendant did, including sufficient information about when, where, and under what circumstances the relevant events took place, to both put the defendants on notice of what they are accused of doing and to support the necessary elements of a claim.

Best's claims are not plausible because he has sued immune or otherwise unsuitable defendants, and he has failed to allege personal involvement in any of the alleged constitutional violations. a A state and its agencies are not considered "persons" for purposes of § 1983. See *Will v. Mich. Dep't of State Police*, 491 U.S. 58, 65-66 (1989). Further, the Commonwealth of Pennsylvania is immune from suit for money damages under the Eleventh Amendment and has not waived that immunity for lawsuits filed in federal court.

See *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 99-100 (1984); *Downey v. Pa. Dep't of Corr.*, 968 F.3d 299, 309-10 (3d Cir. 2020); see also 42 Pa. Cons. Stat. §§ 8521-22. Eleventh Amendment immunity also precludes negligence claims like that asserted by Best. See *Brooks v. Beard*, 167 F. App'x 923, 926 (3d Cir. 2006) (per curiam) (noting, with regard to inmate's negligence claims, that "the state has expressly retained its Eleventh Amendment immunity for purposes of federal lawsuits").

Pennsylvania's Department of Corrections and its individual correctional facilities like SCI Phoenix are also entitled to Eleventh Amendment immunity and are not "persons" for purposes of § 1983. See *Lavia v. Pa., Dep't of Corr.*, 224 F.3d 190, 195 (3d Cir. 2000) (explaining that, "[b]ecause the Commonwealth of Pennsylvania's Department of Corrections is a part of the executive department of the Commonwealth, it shares in the Commonwealth's Eleventh Amendment immunity" and is also not considered a person for purposes of § 1983); see also *Pettaway v. SCI Albion*, 487 F. App'x 766, 768 (3d Cir.

2012) (per curiam) ("[A]s a state agency and the prison it administers, the Department of Corrections and SCI Albion are not 'persons' and thus cannot be sued under 42 U.S.C. § 1983."); *Endrikat v. Little*, No. 23-2167, 2023 WL 8519196, at *3 (3d Cir. Dec. 8, 2023) (per curiam) (concluding that plaintiff "failed to state a claim with respect to [the Pennsylvania DOC, SCI] Waymart, and the Pennsylvania Board of Probation and Parole, as they are not subject to suit under § 1983") (citations omitted).

Accordingly, Best's claims for money damages against the Commonwealth of Pennsylvania and its agencies will be dismissed without prejudice. b To the extent Best asserts constitutional claims against the United States for money damages, his claims fail. "[T]he United States, as sovereign, is generally immune from suits seeking money damages." *Dep't of Agric.*

Rural Dev. Rural Hous. Serv. v. Kirtz, 601 U.S. 42, 48 (2024) (citing *United States v. Testan*, 424 U.S. 392, 399 (1976)). Congress, however, may choose to waive that immunity. *Id.* "Absent a waiver, sovereign immunity shields the Federal Government and its agencies from suit." *FDIC v. Meyer*, 510 U.S. 471, 475 (1994).

The United States has not waived sovereign immunity for civil rights actions. See *Ellerbe v. U.S. Dist. Ct. for E. Dist. of Pa.*, No. 22- 4250, 2022 WL 17177481, at *3 n.3 (citing *Alasevich v. U.S.*

Air Force Reserve, No. 95- 2572, 1997 WL 152816, at *1 (E.D. Pa. Mar. 26, 1997) (“There is notably no sovereign immunity waiver for claims of constitutional violations or claims brought under § 1983.”)).

Best’s claims against the United States will be dismissed without prejudice. c Best has not stated a plausible basis for a claim against Terra. His only allegation is that Terra, as “the chief officer of SCI Phoenix,” has “the duty of prisoner welfare, care, custody and control.” (Compl. at 3.) These are the type of generalized allegations that fall far short of stating a basis for liability against a supervisor.

See *Saisi v. Murray*, 822 F. App’x 47, 48 (3d Cir. 2020) (per curiam) (“Saisi asserted that some defendants were ‘in charge of agencies that allowed this to happen,’ and that liability stemmed merely from defendants’ ‘belief’ that their conduct would be ‘tolerated.’ However, a director cannot be held liable ‘simply because of his position as the head of the [agency].’” (quoting *Evancho v. Fisher*, 423 F.3d 347, 354 (3d Cir.

2005))). In a § 1983 action, claims “against high-level government officials must satisfy the general requirements for supervisory liability.” *Wharton v. Danberg*, 854 F.3d 234, 243 (3d Cir. 2017). 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 in the subordinate’s unconstitutional conduct.” *Barkes v. First Corr.*

Med., Inc., 766 F.3d 307, 316 (3d Cir. 2014), reversed on other grounds by *Taylor v. Barkes*, 575 U.S. 822 (2015). “Allegations of participation or actual knowledge and acquiescence, however, must be made with appropriate particularity.” *Rode*, 845 F.2d at 1207; see also *Dooley v. Wetzel*, 957 F.3d 366, 374 (3d Cir. 2020). “Although a court can infer that a defendant had contemporaneous knowledge of wrongful conduct from the circumstances surrounding a case, the knowledge must be actual, not constructive.” *Chavarriaga v. N.J.*

Dep’t of Corr., 806 F.3d 210, 222 (3d Cir. 2015). A supervisor may also be liable if he or she “with deliberate indifference to the consequences, established and maintained a policy, practice or custom which directly caused [the] constitutional harm.” *Barkes*, 766 F.3d at 316 (quoting *A.M. ex rel. J.M.K. v. Luzerne Cnty. Juvenile Det. Ctr.*, 372 F.3d 572, 586 (3d Cir.

2004) (alteration in original)). This type of liability includes a failure to supervise or train, but a plaintiff asserting such a claim must identify the supervisory or training policy the supervisor failed to employ and “then prove that: (1) the policy or procedures in effect at the time of the alleged injury created an unreasonable risk of a constitutional violation; (2) the defendant-official was aware that the policy created an unreasonable risk; (3) the defendant was indifferent to that risk; and (4) the constitutional injury was caused by the failure to implement the supervisory [or training] practice or procedure.” *Id.* at 317; see also *Chavarriaga*, 806 F.3d at 227.

Because Best fails to state a claim for supervisory liability against Terra, his claims against him will be dismissed without prejudice. 2 Best has not pled an independent basis for the Court's jurisdiction over any purported state law negligence claims.⁸ District courts may exercise jurisdiction over cases raising claims exclusively under state law if "the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between... citizens of different States." 28 U.S.C. § 1332(a).

Section 1332(a) requires "'complete diversity between all plaintiffs and all defendants,' even though only minimal diversity is constitutionally required. This means that unless there is some other basis for jurisdiction, 'no plaintiff [may] be a citizen of the same state as any defendant.'" *Lincoln Ben. Life Co.*, 800 F.3d at 104 (quoting *Lincoln Prop. Co. v. Roche*, 546 U.S. 81, 89 (2005) and *Zambelli Fireworks Mfg.*

Co. v. Wood, 592 F.3d 412, 419 (3d Cir. 2010) (internal footnotes omitted)). An individual is a citizen of the state where he is domiciled, meaning the state where he is physically present and intends to remain. See *Washington v. Hovensa LLC*, 652 F.3d 340, 344 (3d Cir. 2011). "[T]he domicile of a prisoner before his imprisonment presumptively remains his domicile during his imprisonment." *Pierro v. Kugel*, 386 F. App'x 308, 309 (3d Cir.

2010). A plaintiff commencing an action in federal court bears the burden of establishing federal jurisdiction. See *Lincoln Ben. Life Co.*, 800 F.3d at 105 ("The burden of establishing federal jurisdiction rests with the party asserting its existence." (citing *DaimlerChrysler Corp.*, 547 U.S. at 342 n.3)). Best does not plead the citizenship of any party to this suit.

(See Compl. at 2-3.) Since the Complaint fails to 8 Because the Court has dismissed Best's federal claims, the Court will not exercise supplemental jurisdiction over any state law claims. allege a basis for diversity jurisdiction, any state law negligence claims will be dismissed without prejudice. IV For the foregoing reasons, the Court will grant Best leave to proceed in forma pauperis and dismiss his Complaint.

Michael James Mark Sinclair will be dismissed without prejudice as a named Plaintiff, and all claims asserted on his behalf will also be dismissed without prejudice. Best's claims seeking monetary damages against the Commonwealth of Pennsylvania, the Department of Corrections, SCI Phoenix, and the United States will be dismissed without leave to amend because amendment of those claims would be futile.

Best's remaining claims will be dismissed without prejudice to him filing an amended complaint in the event he can allege a plausible claim against a proper defendant. Any amended complaint must clearly describe the factual basis for his claims and how each defendant he names was personally involved in the alleged denial of his rights. An appropriate Order follows, which provides further instruction as to amendment.

BY THE COURT: /s/ Gerald J. Pappert Gerald J. Pappert, J.

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-eastern-district-of-pennsylvania-united-states-district-court-f/2026/isaiah-best-et-al-v-sci-phoenix-et-al-5g8wmre0>