

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Derek Lee Mills v. Ms. Brittain, et al.

Mills · No. 3:26-CV-00152 · Decided February 26, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania dismissed Derek Lee Mills’s pro se prisoner complaint as legally and factually frivolous under 28 U.S.C. § 1915(e)(2). The court rejected his constitutional claims concerning alleged sexual exhibition by prison staff, confiscation of writings, and disciplinary proceedings, declined supplemental jurisdiction over state-law claims, and closed the case without prejudice to pursuing those claims in state court.

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	February 26, 2026
DOCKET	3:26-CV-00152
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se prisoner proceeding in forma pauperis brought federal constitutional and state-law claims against prison employees. The district court screened the complaint under 28 U.S.C. § 1915(e)(2) and dismissed it as legally and factually frivolous, closing the case without prejudice to pursuing state-law claims in state court.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915(e)(2), which requires dismissal of an in forma pauperis action at any time if it is frivolous or malicious.
PRECEDENTIAL VALUE	unpublished
PARTIES	Derek Lee Mills v. Ms. Brittain, et al.

TOPICS

- prisoners rights
- civil rights
- motions to dismiss
- due process
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint was frivolous or malicious and therefore subject to dismissal under 28 U.S.C. § 1915(e)(2)(B)(i).
2. Whether alleged sexual harassment without physical contact or touching stated an Eighth Amendment claim.
3. Whether alleged violations of a Department of Corrections dress-code or other prison policy stated a federal constitutional claim.
4. Whether Mills could relitigate a prison disciplinary sanction by characterizing it as retaliation or plausibly state a due-process claim concerning the sanction and confiscation of writings.
5. Whether the court should exercise supplemental jurisdiction over the state-law claims after dismissing all federal claims.
6. Whether amendment would be futile.

HOLDINGS

1. The complaint was legally and factually frivolous because its allegations that numerous prison employees engaged in prolonged sexual exhibition and that their uniforms threatened prison safety were fanciful and clearly baseless, and the allegations appeared intended to embarrass or abuse the defendants rather than assert a genuine entitlement to legal relief.
2. Alleged sexual harassment without contact or touching does not amount to cruel and unusual punishment under the Eighth Amendment.
3. Mills could not bring a constitutional claim in federal court merely to enforce a prison dress code or other Department of Corrections policy.
4. The complaint did not plausibly state retaliation or due-process claims based on the confiscation of Mills's writings and the resulting disciplinary sanction, and Mills could not relitigate the sanction by labeling it retaliation.
5. The court declined to exercise supplemental jurisdiction over Mills's negligence and intentional-infliction-of-emotional-distress claims after dismissing all federal claims before trial.
6. Amendment of the complaint would be futile, so dismissal without leave to amend was appropriate.

KEY QUOTATIONS

“A complaint is frivolous “if the facts alleged are ‘clearly baseless,’ a category encompassing allegations that are ‘fanciful,’ ‘fantastic,’ [or] ‘delusional’.” (Section II)

“sexual harassment in the absence of contact or touching” (Section III)

“must decline” (Section III)

FACTUAL BACKGROUND

Mills alleged that female officers at SCI-Frackville wore tight or revealing clothing in an effort to sexually arouse prisoners and that this conduct created an abusive prison environment. He reported the alleged conduct and documented it in writings that were confiscated after prison staff determined that the writings contained detailed descriptions of violent sexual acts and sexually harassed or threatened female officers. Mills received a misconduct charge and disciplinary sanction, then asserted First, Eighth, and Fourteenth Amendment claims along with negligence and intentional-infliction-of-emotional-distress claims.

PROCEDURAL HISTORY

Mills filed a complaint naming 23 defendants and sought leave to proceed in forma pauperis. The court determined that the allegations were frivolous and that no plausible federal claim was stated. It further declined supplemental jurisdiction over the state-law claims and found amendment futile.

DISPOSITION

dismissed

CASES CITED

- Walker v. Sec. Office of SCI Coal Twp., Civil No. 3:CV-08-1573, 2010 WL 1177338, at *4 (M.D. Pa. Mar. 25, 2010)
- Denton v. Hernandez, 504 U.S. 25, 32 (1992)
- Neitzke v. Williams, 490 U.S. 319, 325, 327-28 (1989)
- Deutsch v. United States, 67 F.3d 1080, 1086 (3d Cir. 1995)
- Kennedy v. Getz, 757 F. App'x 205, 208 (3d Cir. 2018)
- Manon v. Garrison, No. 1:12-CV-0844, 2012 WL 3542328, at *2 (M.D. Pa. Aug. 15, 2012)
- Williams v. Wetzel, 776 F. App'x 49 (3d Cir. 2019)
- Washington v. Salamon, No. 4:21-CV-01746, 2023 WL 8703392, at *5 (M.D. Pa. Dec. 15, 2023)
- Nifas v. Beard, 374 F. App'x 241, 244 (3d Cir. 2010)
- Monroe v. Beard, 536 F.3d 198, 210 (3d Cir. 2008)
- Hudson v. Palmer, 468 U.S. 517, 533 (1984)
- Talley v. Clark, 111 F.4th 255, 266 n.6 (3d Cir. 2024)
- Hedges v. Musco, 204 F.3d 109, 123 (3d Cir. 2000)
- Grayson v. Mayview State Hosp., 293 F.3d 103, 108 (3d Cir. 2002)

OPINION

Mills

PER CURIAM.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF PENNSYLVANIA

DEREK LEE MILLS,

Plaintiff CIVIL ACTION NO. 3:26-CV-00152

v. (MEHALCHICK, J.)

MS. BRITTAIN, et al., Defendants.

MEMORANDUM

Derek Lee Mills, a pro se prisoner seeking to proceed in forma pauperis, alleges that an unspecified number of female officers at SCI-Frackville are engaged in ongoing acts of “sexual exhibition,” purportedly creating an abusive environment at the prison. Mills has also sought leave to proceed in forma pauperis. Because Mills’s complaint is legally and factually frivolous, it will be dismissed, and the case closed, without prejudice to any state law claims he may pursue in state court.

I. BACKGROUND AND PROCEDURAL HISTORY

Mills’s complaint (Doc. 1) names 23 defendants, including 22 female staff members at SCI-Frackville. He alleges that in “any and all areas of the prison,” from January 2025 through the present, female officers have been “wearing uniforms and other clothing that are obscenely tight and sexually revealing.” He alleges, in lewd and offensive language, that the officers’ clothing displays their genitals with the intent of causing “men ‘prisoners’ like [Mills] to be sexually aroused,” leaving Mills “psychosexually and psychologically traumatized.” He contends that this causes “sexual aggression which also leads to violence both real and imagined” in the prison. Mills alleges that he documented “the behavior of multiple SCI-Frackville female employees” and filed PREA reports, prison grievances, and other written complaints. On November 18, 2025, CO1 O’Donnel confiscated his writings on the basis that they “posed a threat and sexually harassed” the female officers. O’Donnel allegedly issued Mills a misconduct charge for his “detailed descriptions of violent sexual acts [Mills] wished to perform on multiple females at SCI-Frackville,” which was sustained after a disciplinary hearing. Mills argues that the hearing officer misinterpreted the evidence and failed to “see [his] writings and documents for what they obviously are.” He asserts claims under the First, Eighth, and Fourteenth Amendments, and state law tort claims.

II. SECTION 1915(E)(2) STANDARD

A plaintiff proceeding in forma pauperis is subject to 28 U.S.C. § 1915(e)(2), which provides that a court “shall dismiss the case at any time if the court determines that . . . the action . . . is frivolous or malicious.” 28 U.S.C. § 1915(e)(2)(B)(i). Under this statute, an in forma pauperis action may be dismissed “at any time,” before or after service of process. See 28 U.S.C. § 1915(e)(2); *Walker v. Sec. Office of SCI Coal Twp.*, Civil No. 3:CV–08–1573, 2010 WL 1177338, at *4 (M.D. Pa. Mar. 25, 2010). A complaint is frivolous “if the facts alleged are ‘clearly baseless,’ a category encompassing allegations that are ‘fanciful,’ ‘fantastic,’ [or] ‘delusional’.” *Denton v. Hernandez*, 504 U.S. 25, 32 (1992) (quoting *Neitzke v. Williams*, 490 U.S. 319, 325, 327-28 (1989)). A complaint is “malicious” if it is filed to “vex, injure or harass the defendant.” *Deutsch v. United States*, 67 F.3d 1080, 1086 (3d Cir. 1995); see, e.g., *Kennedy v. Getz*, 757 F. App’x 205,

208 (3d Cir. 2018).

III. DISCUSSION

The Court finds Mills's allegations that 20 different prison employees have been deliberately engaged in "sexual exhibition" for more than a year, and that their uniforms pose a threat to prison safety, to be fanciful and clearly baseless. The lewd and graphic nature of the allegations suggests that they were intended for a prurient purpose, or to embarrass or abuse the defendants, rather than as a genuine assertion of entitlement to legal redress. Regardless, "sexual harassment in the absence of contact or touching" would not amount to cruel and unusual punishment under the Eighth Amendment. *Manon v. Garrison*, No. 1:12- CV-0844, 2012 WL 3542328, at *2 (M.D. Pa. Aug. 15, 2012) (listing cases); see, e.g., *Williams v. Wetzel*, 776 F. App'x 49 (3d Cir. 2019). Further, Mills cannot bring a constitutional claim in federal court to enforce a dress code or any other Department of Corrections policy. See *Washington v. Salamon*, No. 4:21-CV-01746, 2023 WL 8703392, at *5 (M.D. Pa. Dec. 15, 2023) (a violation of prison policy is not equivalent to a constitutional violation). The Court finds no other plausible basis for any non-frivolous federal claim. The complaint indicates that prison staff confiscated Mills's writings and imposed a disciplinary sanction based on their determination that the writings amounted to abuse of female officers. Mills cannot relitigate this disciplinary sanction by labeling it as "retaliation," nor does the complaint plausibly suggest a denial of his due process rights. See *Nifas v. Beard*, 374 F. App'x 241, 244 (3d Cir. 2010) (a finding of "some evidence" to support a prison disciplinary finding "checkmates" any claim of retaliatory discipline) (citation omitted); *Monroe v. Beard*, 536 F.3d 198, 210 (3d Cir. 2008) (prison grievance process provides a sufficient post-deprivation remedy for confiscated property) (citing *Hudson v. Palmer*, 468 U.S. 517, 533 (1984)). When a federal court dismisses all federal claims prior to trial, it "must decline" to exercise jurisdiction over state law claims "unless considerations of judicial economy, convenience, and fairness to the parties" dictate otherwise. See *Talley v. Clark*, 111 F.4th 255, 266 n.6 (3d Cir. 2024) (quoting *Hedges v. Musco*, 204 F.3d 109, 123 (3d Cir. 2000)); 28 U.S.C. § 1367(c). To the extent Mills asserts violations of "negligence laws" and his "right to be free from an intentional infliction of emotional distress," the Court will not exercise supplemental jurisdiction over these state law claims.

IV. CONCLUSION

Finding that amendment of the complaint would be futile for the reasons described above, see *Grayson v. Mayview State Hosp.*, 293 F.3d 103, 108 (3d Cir. 2002), Mills's complaint will be dismissed, and this case will be closed, without prejudice to any state law claims raised in state court. An appropriate order follows. Dated: February 26, 2026 s/ Karoline Mehalchick

KAROLINE MEHALCHICK

United States District Judge

