

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Cynthia D. Biggs El v. Josh Shapiro, et al.

Biggs El v. Shapiro · No. 2:25-cv-04659 · Decided January 28, 2026

SUMMARY

The United States District Court for the Eastern District of Pennsylvania dismissed without prejudice the complaint of pro se plaintiff Cynthia D. Biggs El against multiple defendants arising from her medical treatment and dialysis care. The court held that many asserted claims lacked a private right of action or an adequate federal jurisdictional basis, granted the moving defendants’ motions to dismiss, denied certain motions as moot, and denied the plaintiff’s motions opposing dismissal.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Chad F. Kenney
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	January 28, 2026
DOCKET	2:25-cv-04659
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a pro se complaint asserting nineteen causes of action against twenty-seven defendants. Certain defendants moved to dismiss under Federal Rules of Civil Procedure 12(b)(1), 12(b)(2), 12(b)(5), 12(b)(6), and 41(b). The court granted the motions to dismiss, denied without prejudice as moot certain certificate-of-merit motions, denied plaintiff's motions not to dismiss, and dismissed the complaint without prejudice as to the moving defendants and certain incorrectly identified defendants.
STANDARD OF REVIEW	For Rule 12(b)(1), the court determined whether the jurisdictional challenge was facial or factual and, for the facial challenge presented, considered the complaint and incorporated or attached documents in the light most favorable to plaintiff. For Rule 12(b)(2), plaintiff bore the burden of establishing a prima facie case of personal jurisdiction, with allegations taken as true and factual disputes drawn in her favor. For Rule 12(b)(5), the party asserting valid service bore the burden of proof. For Rule 12(b)(6), the court accepted factual allegations as true,

	construed them in plaintiff's favor, and required a plausible entitlement to relief.
PRECEDENTIAL VALUE	unpublished district court memorandum; precedential status unknown
PARTIES	Cynthia D. Biggs El v. Josh Shapiro, Livanta LLC, Helena Kurniawan, Red Willow Dialysis, LLC d/b/a Franklin Commons Dialysis, Red Willow Dialysis, LLC d/b/a Willow Grove Dialysis, Javier J. Rodriguez, Holy Redeemer Health System d/b/a Holy Redeemer Hospital, The Trustees of the University of Pennsylvania, Kevin B. Mahoney, Lisa Sator, Gemma Oetzel, Nicholas Jabco, Yonghong Huan, Samer Mohandes, Anika Vaidy, Aaron Diodato, Melchiorre Vernace, Daniel Bernhardt, Kandis Fowler, Mark Edelstein, Kwanghee Park

TOPICS

[motions to dismiss](#)
[subject matter jurisdiction](#)
[personal jurisdiction](#)
[service of process](#)
[civil procedure](#)

PRACTICE AREAS

[civil procedure](#)
[civil rights](#)
[health law](#)
[medical malpractice](#)
[personal jurisdiction](#)

QUESTIONS PRESENTED

1. Whether the complaint established federal-question jurisdiction over claims based on federal criminal statutes, medical malpractice, assault and battery, elder patient abuse, reckless endangerment, HIPAA, patient self-determination, the United Nations Declaration on the Rights of Indigenous Peoples, and other asserted theories.
2. Whether the constitutional claims and defamation claim stated a claim under 42 U.S.C. § 1983 or otherwise stated a plausible federal claim.
3. Whether the court could exercise personal jurisdiction over defendant Javier Rodriguez.
4. Whether service of process on Livanta LLC was sufficient under Federal Rule of Civil Procedure 4.
5. Whether diversity jurisdiction existed.
6. Whether the court should exercise supplemental jurisdiction over any state-law claims after dismissing the federal claims.

HOLDINGS

1. Federal criminal statutes, HIPAA, the Patient Self-Determination Act, and the United Nations Declaration on the Rights of Indigenous Peoples do not provide the private causes of action asserted by plaintiff; absent a cognizable federal cause of action, the related claims did not establish federal-question jurisdiction.

2. The complaint failed to state constitutional claims because plaintiff did not allege a viable implied damages remedy, state action, or facts connecting the defendants to a constitutional violation; the Ninth Amendment independently provides no source of individual constitutional rights.
3. A defamation claim under § 1983 requires defamation accompanied by a change or extinguishment of a right or status guaranteed by state law or the Constitution; plaintiff's allegations did not identify such a right or status.
4. The court lacked personal jurisdiction over Rodriguez because he was domiciled in Colorado and plaintiff alleged no facts showing purposeful availment, minimum contacts, or a connection between Rodriguez and Pennsylvania or the claims.
5. Dismissal without prejudice was warranted under Rule 12(b)(5) because plaintiff did not properly serve Livanta LLC with a summons and had not filed proof of service within the Rule 4 period.
6. Diversity jurisdiction was absent because the parties were not completely diverse, and the court declined supplemental jurisdiction over any state-law claims after dismissing all federal claims.

KEY QUOTATIONS

“These statutes do not establish a private right of action.” (Section III.A.1)

“At bottom, creating a cause of action is a legislative endeavor.” (Section III.B.1)

“Therefore, Plaintiff has not demonstrated that Defendant Rodriguez has the requisite “minimum contacts” with Pennsylvania such that he has purposefully availed himself of the forum and “such that the maintenance of the suit [against him] does not offend traditional notions of fair play and substantial justice.”” (Section III.C)

FACTUAL BACKGROUND

Plaintiff, a Pennsylvania resident, received treatment for hypertension in 2021 and began dialysis after being diagnosed with end-stage renal disease in February 2023. She received dialysis at several hospitals and outpatient facilities and alleged mistreatment, denial of transfers to DaVita facilities, improper handling of medical records, and other injuries. Her complaint asserted nineteen federal and state-related causes of action against medical providers, facilities, corporate entities, and individuals.

PROCEDURAL HISTORY

Plaintiff filed the complaint on August 12, 2025, seeking damages, costs, and fees arising from medical treatment and dialysis care. Between October and December 2025, defendants filed motions challenging subject matter jurisdiction, personal jurisdiction, service, and the sufficiency of the pleadings. The district court concluded that no federal question or diversity jurisdiction existed, that the complaint failed to state federal claims, that personal jurisdiction over Rodriguez and service on Livanta were insufficient, and that any state-law claims should not proceed under supplemental jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Nesbit v. Gears Unlimited, Inc., 347 F.3d 72, 76-77 (3d Cir. 2003)
- Carpenter v. Barton, No. 24-2898, 2025 WL 2992423, at *2 (3d Cir. Oct. 24, 2025)
- Goldman v. Citigroup Global Markets Inc., 834 F.3d 242, 249 (3d Cir. 2016)
- Lincoln Benefit Life Co. v. AEI Life, LLC, 800 F.3d 99, 105 (3d Cir. 2015)
- CNA v. United States, 535 F.3d 132, 139 (3d Cir. 2008)
- Constitution Party of Pennsylvania v. Aichele, 757 F.3d 347, 358 (3d Cir. 2014)
- Gould Electronics Inc. v. United States, 220 F.3d 169, 176 (3d Cir. 2000)
- O'Connor v. Sandy Lane Hotel Co., 496 F.3d 312, 316-17 (3d Cir. 2007)
- Stern v. Aracari Project, No. 24-cv-1222, 2025 WL 899320, at *2 (E.D. Pa. Mar. 21, 2025)
- International Shoe Co. v. State of Washington, International Shoe Co. v. Washington, 326 U.S. 310, 316 (1945)
- Grand Entertainment Group, Ltd. v. Star Media Sales, Inc., 988 F.2d 476, 488 (3d Cir. 1993)
- Umbenhauer v. Woog, 969 F.2d 25, 30 (3d Cir. 1992)
- Warren General Hospital v. Amgen Inc., 643 F.3d 77, 84 (3d Cir. 2011)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 559 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Kim v. I.R.S., 522 F. App'x 157, 158 (3d Cir. 2013)
- Mala v. Crown Bay Marina, Inc., 704 F.3d 239, 245 (3d Cir. 2013)
- Commonwealth of Pennsylvania ex rel. Zimmerman v. PepsiCo, Inc., 836 F.2d 173, 181 (3d Cir. 1988)
- Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973)
- Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971)
- Davis v. Passman, 442 U.S. 228 (1979)
- Carlson v. Green, 446 U.S. 14 (1980)
- Perry v. Lackawanna County Children & Youth Services, 345 F. App'x 723, 726 (3d Cir. 2009)
- Reichle v. Howards, 566 U.S. 658, 663 n.4 (2012)
- Bush v. Lucas, 462 U.S. 367, 368, 390 (1983)
- Williams v. Pennsylvania Human Relations Commission, 870 F.3d 294, 297 (3d Cir. 2017)
- Hildebrand v. Allegheny County, 757 F.3d 99, 104 (3d Cir. 2014)
- Harvey v. Plains Township Police Department, 635 F.3d 606, 609 (3d Cir. 2011)
- Kohler v. Pennsylvania, 438 F. App'x 120, 123 (3d Cir. 2011)
- Woodson v. Prime Care Medical, Inc., No. 12-cv-4919, 2013 WL 247372, at *8-*9 (E.D. Pa. Jan. 23, 2013)
- Goodyear Dunlop Tires Operations, S.A. v. Brown, 564 U.S. 915, 924 (2011)
- Keeton v. Hustler Magazine, Inc., 465 U.S. 770, 775 (1984)

- Burger King Corp. v. Rudzewicz, Burger King Corp. v. Rudzewicz, 471 U.S. 462, 472 (1985)
- Midland National Bank v. Hansen, 48 F.3d 693, 696 (3d Cir. 1995)
- Lombardo v. Evans, No. 24-cv-1999, 2024 WL 3927233, at *12 (E.D. Pa. Aug. 22, 2024)
- Exxon Mobil Corp. v. Allapattah Services, Inc., 545 U.S. 546, 552 (2005)
- United Mine Workers of America v. Gibbs, 383 U.S. 715, 726-27 (1966)
- City of Chicago v. International College of Surgeons, 522 U.S. 156, 172-73 (1997)
- Hedges v. Musco, 204 F.3d 109, 123 (3d Cir. 2000)

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/cynthia-d-biggs-el-v-josh-shapiro-et-al-5sqs6c0>