

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Juan Miguel Lopez-Martinez v. Patrick “P.J.” Lechleitner, et al.

Lopez-Martinez v. Lechleitner · No. 3:23-cv-290-SLH-KAP · Decided December 10, 2025

SUMMARY

The United States District Court for the Western District of Pennsylvania addressed a pro se federal detainee's claims arising from an alleged data breach by federal employees. The court explained that official-capacity claims are barred by sovereign immunity absent a viable Federal Tort Claims Act claim and that any individual-capacity Bivens claims against the named officials would be futile. The court ordered substitution of the current office holders for the originally named officials and stated that the substitution did not reopen the period for filing objections to the pending Report and Recommendation.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Keith A. Pesto
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	December 10, 2025
DOCKET	3:23-cv-290-SLH-KAP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se civil-rights complaint concerning an alleged data breach while he was a federal detainee. After a Report and Recommendation recommended dismissal, plaintiff did not file objections. The court denied plaintiff's motion to change venue, addressed the effect of the pending recommendation, and ordered substitution of current federal officeholders for the originally named officeholders sued in their official capacities.
STANDARD OF REVIEW	Liberal construction of a pro se complaint; the order applied the legal sufficiency principles governing official-capacity claims, sovereign immunity, and Bivens claims.
PRECEDENTIAL VALUE	unpublished district-court memorandum order

PARTIES

Juan Miguel Lopez-Martinez v. Patrick “P.J.” Lechleitner, Merrick Garland, Alejandro Mayorkas, John Doe

TOPICS

sovereign immunity

government liability

venue

civil procedure

immigration

PRACTICE AREAS

federal civil procedure

prisoner civil rights

sovereign immunity

Federal Tort Claims Act

Bivens actions

QUESTIONS PRESENTED

1. Whether current federal officeholders should be substituted for former officeholders sued in their official capacities.
2. Whether plaintiff's official-capacity claims could proceed despite sovereign immunity when plaintiff had not asserted an FTCA claim.
3. Whether the previously issued Report and Recommendation required updating after substitution of the defendants.

HOLDINGS

1. Because an official-capacity action is treated as an action against the governmental entity, substitution of the current officeholders for the originally named officeholders was appropriate.
2. Plaintiff could not proceed against the defendants in their official capacities because such claims were effectively claims against the United States and were barred by sovereign immunity absent an applicable waiver.
3. The unobjected-to Report and Recommendation did not need to be updated because plaintiff had stated no viable official-capacity claim and no viable individual-capacity claim against Garland, Mayorkas, or Lechleitner.

KEY QUOTATIONS

“defendants sued in their official capacity are the equivalent of the government they work for.”

“The Clerk is ordered to substitute the current office holders (identified in ECF no. 16) as defendants in lieu of Garland, Mayorkas, and Lechleitner.”

FACTUAL BACKGROUND

Lopez-Martinez alleged that a data breach by a John Doe federal employee injured him while he was a federal detainee. He named the Attorney General, the Secretary of Homeland Security, and a Department of Homeland Security employee, but checked the form-compliant boxes indicating that he sued them only in their official capacities. He did not name the United States or assert a claim under the Federal Tort Claims Act, and he did not amend his complaint after the court identified the FTCA issue.

PROCEDURAL HISTORY

Plaintiff sued federal officials in their official capacities and identified a John Doe federal employee. The magistrate judge analyzed the pleading liberally as potentially asserting individual-capacity Bivens claims and recommended dismissal, including dismissal without leave to amend as to Garland, Mayorkas, and Lechleitner. Plaintiff did not object to the recommendation and did not amend to assert a Federal Tort Claims Act claim. Following a stay and reinstatement of the matter during a government shutdown, the United States notified the court of substitutions for current officeholders. The court ordered the substitutions and stated that the unobjected-to recommendation did not require updating.

DISPOSITION

other

CASES CITED

- Snowden v. Henning, 2021 WL 806724, at *5 (S.D. Ill. Mar. 3, 2021), rev'd on other grounds, 72 F.4th 237 (7th Cir. 2023), cert. denied, 145 S. Ct. 137 (2024)
- McNeil v. United States, 508 U.S. 106, 113, 113 S. Ct. 1980, 124 L. Ed. 2d 21 (1993)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA JUAN MIGUEL LOPEZ-MARTINEZ,: Plaintiff: v.: Case No. 3:23-cv-290-SLH-KAP PATRICK “P.J.” LECHLEITNER, et al.,: Defendants: Memorandum Order Plaintiff filed a pro se civil suit using a form complaint (Form Pro Se 15) alleging that while he was a federal detainee, a data breach by some John Doe federal employee caused him injury.

He named as defendants Garland, Mayorkas, Lechleitner and John Doe, that is, the Attorney General and the Secretary and two employees of the Department of Homeland Security. Plaintiff checked the boxes in the form complaint asserting that his claim was against them only in their official capacities.

Because courts are required to interpret pro se complaints liberally I analyzed the complaint as if plaintiff had also named the defendants in their personal capacities (in other words attempted to state a Bivens claim against Garland, Mayorkas, and Lechleitner) and explained why there was no Bivens claim. Plaintiff, despite being granted an extension of time, did not file objections.

He did file a motion to change venue that disregarded the fact that my recommendation is pending. I denied it, in the course of which I explained that he could not sue the defendants in their official capacities because that is equivalent to suing the United States, that the United States is immune from suit except as provided in the Federal Tort Claims Act, and that plaintiff had not made a claim under the Federal Tort Claims Act nor sought to convert this matter to a Federal Tort Claims Act complaint.

Despite that broad hint in October 2024, plaintiff did not seek to amend his complaint (in this district, anyway) or even seek another extension to file objections to my pending recommendation. Almost exactly a year later the matter was stayed by a form order generated by the Chief Judge and then unstayed a month later by a form order generated by the Chief Judge in response to the government shutdown.

The latter order called on counsel for the government to propose any updates in the schedule. The United States responded with a notice at ECF no. 16 substituting the current office holders for the defendants named in the original complaint and suggesting that no update to the schedule is necessary.

To clarify things for the plaintiff: defendants sued in their official capacity are the equivalent of the government they work for. Since plaintiff only sued the original defendants in their official capacities it is appropriate to substitute the current office holders for original named defendants Garland, Mayorkas, and Lechleitner. I recommended dismissal without leave to amend as to the three original named defendants because the plaintiff cannot sue them -either the former office holders or the current office holders- in their official capacities due to sovereign immunity, and without leave to amend the complaint because any individual capacity suit against Garland, Mayorkas, and Lechleitner is futile as well.

As Judge Gilbert observed in *Snowden v. Henning*, 2021 WL 806724 at *5 (S.D. Ill. Mar. 3, 2021), rev'd on other grounds, 72 F.4th 237 (7th Cir. 2023), cert. denied, 145 S.Ct. 137 (October 7, 2024), a plaintiff may have good reasons for not naming the United States in a complaint or asserting an FTCA claim, because [for one thing, the FTCA forbids a victim to file suit against the United States until first presenting an administrative claim to the appropriate federal agency in an attempt to resolve it without litigation.

28 U.S.C. § 2672. Failure to do so can cost the plaintiff the opportunity to recover damages. *McNeil v. United States*, 508 U.S. 106, 113 S.Ct. 1980, 124 L.Ed.2d 21 (1993). Plaintiff is in the best position to decide whether and when to bring an FTCA claim against the United States. Plaintiff has not in this case named the United States nor attempted to state a claim under the FTCA.

Because he has stated no claim against the defendants in their official capacities and cannot do so, and because he has stated no claim against the defendants in their individual capacities and can state no claim against Garland, Mayorkas, and Lechleitner in their individual capacities, my unobjected to Report and Recommendation does not need to be updated.

The Clerk is ordered to substitute the current office holders (identified in ECF no. 16) as defendants in lieu of Garland, Mayorkas, and Lechleitner. Updating the defendants does not reopen the time for plaintiff to file objections. iP DATE: December 10, 2025 Keith A. Pesto, United

States Magistrate Judge Notice by ECF to counsel and by U.S. Mail to: Juan Miguel Lopez-Martinez 516 N. New Street Allentown, PA 18102

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