

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Corey D. Palson v. Superintendent M. Zaken, et al.

Civil Action No. 2:23-1941 (W.D. Pa. Mar. 12, 2026) · No. Civil Action No. 2:23-1941 · Decided March 12, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania considers Defendants’ motion for summary judgment in Corey D. Palson’s § 1983 action concerning his strip search, placement in a dry cell, searches of excreted feces, and alleged exposure to oleoresin capsicum residue. The court grants summary judgment on Palson’s Fourth Amendment claims and grants it for Sergeant Palmer on the Eighth Amendment duration-of-confinement claim, but denies it for Superintendent Zaken because the record does not conclusively establish a continuing penological justification for the additional confinement. The opinion also addresses disputed factual issues concerning alleged OC spray residue and deliberate indifference.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Patricia L. Dodge
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	March 12, 2026
DOCKET	Civil Action No. 2:23-1941
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a pro se action under 42 U.S.C. § 1983 alleging Fourth and Eighth Amendment violations arising from his strip search, placement in a dry cell, searches of his excrement, and exposure to alleged oleoresin capsicum spray residue. After an earlier partial motion to dismiss narrowed the case, the remaining defendants moved for summary judgment.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court viewed the facts in the light most favorable to the nonmoving party and drew reasonable inferences and resolved doubts in that party's favor.

PRECEDENTIAL VALUE	unpublished district court memorandum opinion; persuasive rather than precedential
PARTIES	Corey D. Palson v. Superintendent M. Zaken, Sergeant Palmer, C.O. Johnson

TOPICS

prisoners rights

section 1983

summary judgment

constitutional law

civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional law

Section 1983 litigation

prison conditions

summary judgment

QUESTIONS PRESENTED

1. Whether placing Palson in a dry cell, monitoring his excreted feces, and searching that feces violated the Fourth Amendment.
2. Whether the continued confinement of Palson in the dry cell after three days, two clean bowel movements, and an x-ray allegedly showing an object in his bladder violated the Eighth Amendment.
3. Whether alleged exposure to OC spray residue in the dry cell and defendants' failure to respond to complaints about resulting pain violated the Eighth Amendment.
4. Whether the evidence established the personal involvement of each defendant in the alleged Eighth Amendment violations for purposes of summary judgment.

HOLDINGS

1. The use of dry-cell procedures was reasonable under the Fourth Amendment because prison officials had legitimate security grounds to suspect that Palson possessed concealed contraband, based on the K-9 alert, body scans, and x-ray.
2. Palson had no legitimate expectation of privacy in feces he excreted in the dry cell, and searching that feces did not violate the Fourth Amendment.
3. Summary judgment was denied as to Superintendent Zaken because defendants did not establish as a matter of law a continuing penological justification for keeping Palson in the dry cell for an additional day and requiring another clean bowel movement.
4. Summary judgment was granted to Sergeant Palmer on the duration-of-confinement claim because the record did not show that he personally participated in the decision to extend Palson's dry-cell confinement; the claim against Zaken remained because he personally made that decision.
5. Summary judgment was granted to Zaken and Palmer but denied as to Johnson because Palson's verified allegations created genuine disputes about whether OC spray residue caused severe pain and whether Johnson was personally involved in ignoring his complaints.

KEY QUOTATIONS

“even though administrative confinement in a dry cell is unpleasant and often unsanitary, so long as the conditions of that confinement are not foul or inhuman, and are supported by some penological justification, they will not violate the Eighth Amendment.” (Discussion § IV.A.2.a)

“If proven to be true, these conditions could support a claim that Plaintiff was subjected to the infliction of pain for no penological purpose, which would violate the Eighth Amendment.” (Discussion § IV.A.2.b)

FACTUAL BACKGROUND

After returning from morning yard at SCI Greene, Palson was strip searched after a K-9 allegedly alerted, and subsequent body scans and an x-ray led prison officials to suspect that he had contraband inside his body. He was placed in a dry cell from September 9 through September 12, 2022, where he produced two bowel movements before Superintendent Zaken required one additional clean bowel movement for release. Palson also alleged that residual OC spray in the dry cell and restraint bag caused severe burning and that correctional and medical personnel ignored his complaints. The defendants disputed those allegations, relying principally on medical records that did not document such complaints.

PROCEDURAL HISTORY

Palson initiated the action on November 9, 2023, and his complaint was filed after he cured an in forma pauperis deficiency. The court previously dismissed the Sixth Amendment claim and claims against several defendants, dismissed other defendants without prejudice with leave to amend, and later treated those unamended claims as dismissed with prejudice. After the remaining defendants answered and discovery occurred, they moved for summary judgment. The court granted the motion in part and denied it in part.

DISPOSITION

other

REMAND INSTRUCTIONS

The opinion does not direct a remand. The summary-judgment motion was granted in part and denied in part: all Fourth Amendment claims were resolved for defendants; the Eighth Amendment duration claim proceeded against Zaken; and the Eighth Amendment OC-residue claim proceeded against Johnson.

CASES CITED

- Thomas v. Tice, 948 F.3d 133, 137, 139-40 (3d Cir. 2020)
- Florence v. Board of Chosen Freeholders of Cnty. of Burlington, 566 U.S. 318, 326-27 (2012)
- Bell v. Wolfish, 441 U.S. 520, 558-59 (1979)
- Parkell v. Danberg, 833 F.3d 313, 329-30 (3d Cir. 2016)
- United States v. Holloway, 128 F.3d 1254, 1256 (8th Cir. 1997)
- Hefa v. Hanratty, 2021 WL 965451, at *7 (W.D. Wash. Jan. 13, 2021), report and recommendation adopted, 2021 WL 963480 (W.D. Wash. Mar. 15, 2021)

- Buckley v. Alameida, 2011 WL 7139570, at *22 (E.D. Cal. Dec. 20, 2011), report and recommendation adopted, 2012 WL 368280 (E.D. Cal. Feb. 1, 2012)
- United States v. Bell, 27 F. App'x 133, 134 (3d Cir. 2002)
- Drumgo v. Reese, 2022 WL 4295442, at *16 (M.D. Pa. May 20, 2022), report and recommendation adopted, 2022 WL 3045310 (M.D. Pa. Aug. 2, 2022), aff'd, 2023 WL 7908030 (3d Cir. Nov. 16, 2023)
- Farmer v. Brennan, 511 U.S. 825, 834 (1994)
- Wilson v. Seiter, 501 U.S. 294, 299, 302-03 (1991)
- Rhodes v. Chapman, 452 U.S. 337, 347, 349 (1981)
- Young v. Quinlan, 960 F.2d 351, 359, 364 (3d Cir. 1992), superseded by statute on other grounds as stated in Nyhuis v. Reno, 204 F.3d 65, 71 n.7 (3d Cir. 2000)
- Evancho v. Fisher, 423 F.3d 347, 353 (3d Cir. 2005)
- Rode v. Dellarciprete, 845 F.2d 1195, 1207 (3d Cir. 1988)
- Gibson v. Flemming, 837 F. App'x 860, 862 (3d Cir. 2020)
- Hope v. Pelzer, 536 U.S. 730, 737 (2002)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- National State Bank v. Federal Rsrv. Bank, 979 F.2d 1579, 1582 (3d Cir. 1992)
- Hugh v. Butler County Fam. YMCA, 418 F.3d 265, 266 (3d Cir. 2005)
- Doe v. County of Ctr., Pa., 242 F.3d 437, 446 (3d Cir. 2001)
- Baker v. McCollan, 443 U.S. 137, 140, 144 n.3 (1979)
- Albright v. Oliver, 510 U.S. 266, 271 (1994)
- Graham v. Connor, 490 U.S. 386, 394 (1989)