

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Darius Heimer Gittens v. Ryan Pepper, et al.

Gittens · No. 23-17721 (MAS) (JTQ) · Decided February 18, 2026

SUMMARY

The United States District Court for the District of New Jersey screened Darius Gittens’s second amended complaint under 28 U.S.C. § 1915(e)(2)(B). The court allowed to proceed claims concerning allegedly unconstitutional conditions of confinement in a trailer cell and retaliation for filing grievances, while dismissing or finding moot various claims involving property loss, disciplinary proceedings, grievance responses, conspiracy, the ADA, RLUIPA, and RICO. The opinion explains that certain due-process claims related to lost good-time credits were barred under Heck and related precedent because the disciplinary sanction had not been invalidated.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Michael A. Shipp
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	February 18, 2026
DOCKET	23-17721 (MAS) (JTQ)
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a pro se prisoner's second amended complaint under 28 U.S.C. § 1915(e)(2)(B).
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court must dismiss claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. The failure-to-state-a-claim standard is the same as under Federal Rule of Civil Procedure 12(b)(6): factual allegations are accepted as true and reasonable inferences are drawn for the plaintiff, but legal conclusions are not accepted as factual allegations. Pro se pleadings are liberally construed but must allege sufficient facts to support a claim.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court opinion
PARTIES	Darius Heimer Gittens v. Ryan Pepper, Raimon Ng, Jonathan P. Gramp, James M. Stigliano, Timothy Maines, Rebecca L. Smith, Anna M. Miglio, Gregory S. Achinko, John B. Gardner, Donna L.

Alexander, Shameca K. Lawson, Robert P. Devol, Mark R. Broadwater, Amanda J. Whilden, Thomas A. Togno, John F. Rollar, James C. Ross, Steven Sooy, Willie J. Bonds, Marcus O. Hicks, Bruce Davis, David W. Richards, Duane M. Grade, Edward Solytys, Dan Dibenedetto, John Blakslee, Melissa Matthews, Mervin Ganesh, John Falvey, Karin Burke, Nicole Sargenti, Jennifer Malinowski, Melinda S. Haley, Deborah Cope, Michelle Ricci, Suzanne Lawrence, Bettie Norris, Ebony Vaught, Amy Emrich, Cherice Hampton, Jessica McDuffie, Erica M. Stem, Jeffrey Crothers, Wayne Manstream, Hearing Officer Elizabeth DiBenedetto, Regina E. Easley, David Goffredi, Tiffany Fairweather, Kyle I. Brown, Daniel E. Kemble, Anthony Gadecki, Craig M. Sears, Chadd W. Lackey, Garyn Nathan

TOPICS

section 1983 prisoners rights motions to dismiss due process ada / disability

PRACTICE AREAS

civil rights constitutional law prisoners' rights civil procedure disability discrimination

QUESTIONS PRESENTED

1. Whether the second amended complaint plausibly stated an Eighth Amendment conditions-of-confinement claim.
2. Whether the complaint plausibly stated First Amendment retaliation claims based on prison officials' responses to grievances and complaints.
3. Whether alleged property losses stated a Fourteenth Amendment due-process claim where meaningful post-deprivation remedies were available.
4. Whether due-process challenges to disciplinary proceedings resulting in the loss of good-conduct credits were barred under Heck and related precedent.
5. Whether the complaint stated claims under the ADA, RLUIPA, 42 U.S.C. §§ 1985 and 1986, civil RICO, and asserted state-law causes of action.

HOLDINGS

1. The allegations concerning a low-clearance bunk, inadequate lighting, and an initially inadequate pillow did not plausibly establish an Eighth Amendment violation because the plaintiff remained in the cell for only approximately two weeks, received a replacement pillow, was transferred after complaining, and did not adequately allege deliberate indifference.
2. The allegations concerning roaches, rotten bathroom floors, and blocked fire exits plausibly stated an Eighth Amendment conditions-of-confinement claim against Defendants Roller, Miglio, Broadwater, Lawson, Devol, Whilden, Rollar, Ross, Alexander, and Gramp.

3. The retaliation claims against Ng, Sooy, Lawson, Miglio, and Pepper could proceed because the complaint plausibly alleged protected grievance activity, retaliatory action, and a causal connection. Retaliation claims against the remaining defendants were dismissed without prejudice as conclusory.
4. The plaintiff's claims based on confiscation, destruction, or theft of property failed to state a Fourteenth Amendment due-process claim because New Jersey provided meaningful post-deprivation remedies.
5. The plaintiff's due-process claims concerning his disciplinary proceedings were barred because success would necessarily imply the invalidity of an unoverturned disciplinary sanction that affected the duration of his confinement.
6. The plaintiff's claims based solely on defendants' failure to respond adequately to grievances failed to state a federal civil-rights claim because prisoners have no constitutional right to a grievance system or to a particular response.
7. The plaintiff failed to state a claim for ADA damages because he did not adequately allege disability-based discriminatory animus or deliberate indifference, and his prompt transfer undermined the claim.
8. The RLUIPA claim was moot because the plaintiff was no longer housed at the prison where the alleged denial occurred and had been released from custody, and RLUIPA generally does not permit monetary damages.
9. The complaint failed to state conspiracy claims under §§ 1985 and 1986 because it did not allege conspiracy based on race or protected-class discriminatory animus.
10. The plaintiff failed to state a civil RICO claim because the allegations did not establish the required enterprise, harm to business or property through a pattern of racketeering activity, or two qualifying predicate acts.

KEY QUOTATIONS

“The legal standard for dismissing a complaint for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) is the same as that for dismissing a complaint pursuant to Federal Rule of Civil Procedure 12(b)(6).” (at 3)

“Although the Eighth Amendment forbids cruel and unusual punishment and therefore prohibits prison officials from subjecting inmates to inhumane conditions, it “does not mandate comfortable prisons.”” (at 4)

“Prisoners, however, have no federal right to an inmate grievance system, nor do they have a right to any particular response to any grievance they may file.” (at 6)

“Thus, “a... prisoner’s [civil rights] action is barred (absent prior invalidation [of his conviction or disciplinary proceeding]) — no matter the relief sought (damages or equitable relief), no matter the target of the suit (state conduct leading to conviction or internal [disciplinary] proceedings) — if success in that action would necessarily demonstrate the invalidity of the confinement or its duration.”” (at 6)

FACTUAL BACKGROUND

Darius Gittens, formerly a New Jersey state prisoner, alleged that prison officials subjected him to uncomfortable and allegedly unsafe cell conditions, retaliated against him for filing grievances, confiscated or

destroyed property and litigation materials, and denied him procedural protections during disciplinary proceedings that resulted in the loss of sixty days of good-conduct credits. He also alleged denial of kosher meals, disability discrimination, civil-rights conspiracies, RICO violations, and various state-law claims. He was later released on parole, and several challenged prison conditions were no longer ongoing.

PROCEDURAL HISTORY

The plaintiff, proceeding in forma pauperis, filed a second amended complaint after the court dismissed his first amended complaint without prejudice and granted leave to amend. The court deemed the second amended complaint timely and screened it sua sponte. The court allowed certain conditions-of-confinement, First Amendment retaliation, New Jersey civil-rights, and theft-related state-law claims to proceed, while dismissing the remaining claims, generally without prejudice or as moot.

DISPOSITION

other

CASES CITED

- Schreane v. Seana, 506 F. App'x 120, 122 (3d Cir. 2012)
- Allah v. Seiverling, 229 F.3d 220, 223 (3d Cir. 2000)
- Phillips v. County of Allegheny, 515 F.3d 224, 228 (3d Cir. 2008)
- Papasan v. Allain, 478 U.S. 265, 286 (1986)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-57, 570 (2007)
- Mala v. Crown Bay Marina, Inc., 704 F.3d 239, 245 (3d Cir. 2013)
- Farmer v. Brennan, 511 U.S. 825, 832, 834 (1994)
- Porter v. Pa. Dep't of Corr., 974 F.3d 431, 441 (3d Cir. 2020)
- Brennan v. Kulick, 407 F.3d 603, 606-08 (3d Cir. 2005)
- Sandin v. Conner, 515 U.S. 472, 485-86 (1995)
- Thomas v. Independence Township, 463 F.3d 285, 296 (3d Cir. 2006)
- Hudson v. Palmer, 468 U.S. 517, 530-36 (1984)
- Parratt v. Taylor, 451 U.S. 527, 543-44 (1981), overruled in part on other grounds, Daniels v. Williams, 474 U.S. 327 (1986)
- Daniels v. Williams, 474 U.S. 327 (1986)
- Love v. N.J. Dep't of Corr., No. 14-5629, 2015 WL 2226015, at *5 (D.N.J. May 12, 2015)
- Pressley v. Huber, 562 F. App'x 67, 70 (3d Cir. 2014)
- Poole v. Mercer Cnty. Corr. Ctr., No. 11-3730, 2012 WL 694689, at *2 (D.N.J. Feb. 29, 2012)
- Mimms v. U.N.I-C.O.R., 386 F. App'x 32, 36 (3d Cir. 2010)
- Wilkinson v. Dotson, 544 U.S. 74, 79, 81-82 (2005)
- Heck v. Humphrey, 512 U.S. 477, 486-87 (1994)

- Preiser v. Rodriguez, 411 U.S. 475, 482, 489 (1973)
- Herrera v. Agents of Pa. Bd. of Prob. & Parole, 132 F.4th 248, 255-56 & n.6 (3d Cir. 2025)
- Williams v. Consovoy, 453 F.3d 173, 177-78 (3d Cir. 2006)
- Gilles v. Davis, 427 F.3d 197, 210 (3d Cir. 2005)
- Woodward v. Ahearn, No. 22-3812, 2023 WL 397828, at *4 (D.N.J. Jan. 25, 2023)
- Roberts v. Aviles, No. 10-5916, 2012 WL 603790, at *1 n.4 (D.N.J. Feb. 16, 2012)
- Wilson v. Horn, 971 F. Supp. 943, 947 (E.D. Pa.), aff'd, 142 F.3d 430 (3d Cir. 1998)
- Adams v. Rice, 40 F.3d 72, 75 (4th Cir. 1994)
- Kokinda v. Pa. Dep't of Corr., 779 F. App'x 944, 949-50 (3d Cir. 2019)
- Furgess v. Pa. Dep't of Corr., 933 F.3d 285, 288-89 (3d Cir. 2019)
- Parness v. Christie, No. 15-3505, 2015 WL 4997430, at *6-8 (D.N.J. Aug. 19, 2015)
- Marangos v. Swett, 341 F. App'x 752, 756-57 (3d Cir. 2009)
- Banks v. Sec'y Pa. Dep't of Corr., 601 F. App'x 101, 103-04 (3d Cir. 2015)
- Sharp v. Johnson, 669 F.3d 144, 154 (3d Cir. 2012)
- Trafion v. City of Woodbury, 799 F. Supp. 2d 417, 443-44 (D.N.J. 2011)

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