

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Victor Gonzalez v. Correction Officer Prescott, et al.

Gonzalez · No. 25-CV-4880 · Decided November 24, 2025

SUMMARY

The United States District Court for the Eastern District of Pennsylvania grants Victor Gonzalez leave to proceed in forma pauperis and conducts statutory screening of his prisoner civil rights complaint. The court allows his individual-capacity Eighth Amendment failure-to-protect and civil rights conspiracy claims against Correctional Officer Prescott to proceed, while dismissing other claims, including official-capacity damages claims, assault and battery claims, claims against the SCI Phoenix Medical Department, and retrospective declaratory relief. The court permits amendment to identify proper medical defendants and reassert deliberate-indifference or medical-malpractice claims where legally sufficient.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	John M. Younge
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	November 24, 2025
DOCKET	25-CV-4880
DISPOSITION	other
PROCEDURAL POSTURE	A pro se prisoner filed a civil-rights complaint under 42 U.S.C. § 1983 and state-law tort claims and sought leave to proceed in forma pauperis. The district court screened the complaint under 28 U.S.C. § 1915(e)(2)(B)(ii), granted in forma pauperis status, dismissed some claims with prejudice and others without prejudice, and permitted the plaintiff either to amend or proceed on surviving claims.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B)(ii), the court applies the same standard as Federal Rule of Civil Procedure 12(b)(6): accepting well-pleaded facts as true, drawing reasonable inferences for the plaintiff, liberally construing a pro se complaint, and determining whether the complaint states a facially plausible claim. Conclusory allegations are insufficient.

PRECEDENTIAL VALUE	unpublished, nonprecedential district court memorandum
PARTIES	Victor Gonzalez v. Correction Officer Prescott, et al.

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QUESTIONS PRESENTED

1. Whether the complaint stated plausible Eighth Amendment failure-to-protect and civil-rights-conspiracy claims against Prescott.
2. Whether official-capacity claims for monetary damages against Prescott were barred by the Eleventh Amendment.
3. Whether Gonzalez's requests for prospective injunctive relief were moot because he was no longer housed at SCI Phoenix and alleged no likelihood of return or ongoing violation.
4. Whether Gonzalez stated direct Pennsylvania assault-and-battery claims against Prescott based on Prescott's alleged direction of another inmate and failure to intervene.
5. Whether the SCI Phoenix Medical Department was a person subject to liability under 42 U.S.C. § 1983 and could be liable for the asserted medical-malpractice claim.

HOLDINGS

1. The complaint plausibly stated an individual-capacity Eighth Amendment failure-to-protect claim and a civil-rights-conspiracy claim against Prescott, so those claims could proceed to a responsive pleading.
2. Official-capacity claims against Prescott seeking monetary damages were barred by the Eleventh Amendment and were dismissed with prejudice.
3. The requested prospective injunctive relief was unavailable because Gonzalez did not allege an ongoing violation or a reasonable likelihood of return to SCI Phoenix; the official-capacity injunctive claims were dismissed.
4. Gonzalez failed to state direct assault-and-battery claims against Prescott because he alleged neither physical contact by Prescott nor conduct placing him in reasonable apprehension of an immediate battery.
5. The SCI Phoenix Medical Department was not a person subject to liability under § 1983, and the claims against it were dismissed with prejudice.
6. The Eighth Amendment deliberate-indifference and state medical-malpractice claims were dismissed without prejudice, with leave to amend to name a proper medical defendant and plead facts satisfying the applicable standards.

KEY QUOTATIONS

“In determining whether the doctrine of Ex parte Young avoids an Eleventh Amendment bar to suit, a court need only conduct a straightforward inquiry into whether [the] complaint alleges an ongoing violation of federal law and seeks relief properly characterized as prospective.” (Discussion § III.A)

“Gonzalez will be provided the option of filing an amended complaint or proceeding only on the claims that pass statutory screening, namely his Eighth Amendment failure to protect and civil rights conspiracy claims against Defendant Prescott.” (Conclusion § IV)

FACTUAL BACKGROUND

During restricted-housing-unit out-of-cell time at SCI Phoenix on June 9, 2024, Prescott allegedly placed an unnamed inmate, who had a large bag concealed in his jumpsuit, next to Gonzalez while both were restrained. The inmate sprayed Gonzalez with an unknown substance and assaulted him, and Prescott allegedly made statements before and after the attack suggesting that he had arranged or anticipated it. Gonzalez later experienced breathing and vision problems, attempted suicide, and allegedly received inadequate follow-up care for his eye injury. He was incarcerated at SCI Fayette when the complaint was filed.

PROCEDURAL HISTORY

Gonzalez filed the complaint against Correctional Officer Prescott and the SCI Phoenix Medical Department. On statutory screening, the court dismissed official-capacity claims for monetary damages, direct assault-and-battery claims against Prescott, retrospective declaratory relief, and claims against the medical department as an improper § 1983 defendant. The court dismissed the deliberate-indifference and medical-malpractice claims without prejudice with leave to amend and permitted the Eighth Amendment failure-to-protect and civil-rights-conspiracy claims against Prescott to proceed to service.

DISPOSITION

other

CASES CITED

- *Tourscher v. McCullough*, 184 F.3d 236, 240 (3d Cir. 1999)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Talley v. Wetzel*, 15 F.4th 275, 286 n.7 (3d Cir. 2021)
- *Shorter v. United States*, 12 F.4th 366, 374 (3d Cir. 2021)
- *Fisher v. Hollingsworth*, 115 F.4th 197 (3d Cir. 2024)
- *Vogt v. Wetzel*, 8 F.4th 182, 185 (3d Cir. 2021)
- *Mala v. Crown Bay Marina, Inc.*, 704 F.3d 239, 244-45 (3d Cir. 2013)
- *West v. Atkins*, 487 U.S. 42, 48 (1988)
- *Rode v. Dellarciprete*, 845 F.2d 1195, 1207 (3d Cir. 1988)
- *Pennhurst State School & Hospital v. Halderman*, 465 U.S. 89, 99-100, 102 (1984)

- *A.W. v. Jersey City Public Schools*, 341 F.3d 234, 238 (3d Cir. 2003)
- *Hafer v. Melo*, 502 U.S. 21, 25 (1991)
- *Will v. Michigan Department of State Police*, 491 U.S. 58, 70-71 (1989)
- *Ex parte Young*, 209 U.S. 123 (1908)
- *Pa. Federation of Sportsmen's Clubs, Inc. v. Hess*, 297 F.3d 310, 323 (3d Cir. 2002)
- *Koslow v. Pennsylvania*, 302 F.3d 161, 178 (3d Cir. 2002)
- *Green v. Mansour*, 474 U.S. 64, 68 (1985)
- *MCI Telecommunications Corp. v. Bell Atlantic Pennsylvania*, 271 F.3d 491, 506 (3d Cir. 2001)
- *J.C. v. Ford*, 674 F. App'x 230, 232 (3d Cir. 2016) (per curiam)
- *City of Los Angeles v. Lyons*, 461 U.S. 95, 102 (1983)
- *Verizon Maryland, Inc. v. Public Service Commission*, 535 U.S. 635, 645 (2002)
- *Waterfront Commission of New York Harbor v. Governor of New Jersey*, 961 F.3d 234, 238-39 (3d Cir. 2020)
- *Iles v. de Jongh*, 638 F.3d 169, 177 (3d Cir. 2011)
- *Corliss v. O'Brien*, 200 F. App'x 80, 84 (3d Cir. 2006) (per curiam)
- *Andela v. Administrative Office of U.S. Courts*, 569 F. App'x 80, 83 (3d Cir. 2014) (per curiam)
- *Taggart v. Saltz*, No. 20-3574, 2021 WL 1191628, at *2 (3d Cir. Mar. 30, 2021) (per curiam)
- *Fortes v. Harding*, 19 F. Supp. 2d 323, 326 (M.D. Pa. 1998)
- *Weaver v. Wilcox*, 650 F.2d 22, 27 n.13 (3d Cir. 1981)
- *Prater v. City of Philadelphia*, 542 F. App'x 135, 138 (3d Cir. 2013)
- *Amin v. SCI-Phoenix Medical Department*, 472 F. Supp. 3d 105, 110 (E.D. Pa. 2020)
- *Rivera v. Kirsh*, No. 20-2453, 2020 WL 4201624, at *2 (E.D. Pa. July 22, 2020)
- *Anderson v. Price*, No. 22-3058, 2023 WL 5814664, at *2 (3d Cir. Sept. 8, 2023) (per curiam)
- *Brown v. Borough of Chambersburg*, 903 F.2d 274, 278 (3d Cir. 1990)
- *Hayes v. Gilmore*, 802 F. App'x 84, 88 (3d Cir. 2020) (per curiam)
- *Davis v. Superintendent Somerset SCI*, 597 F. App'x 42, 45 (3d Cir. 2015) (per curiam)
- *United States ex rel. Walker v. Fayette County*, 599 F.2d 573, 575 n.2 (3d Cir. 1979)
- *Colburn v. Upper Darby Township*, 946 F.2d 1017, 1023 (3d Cir. 1991)
- *Martin-McFarlane v. City of Philadelphia*, 299 F. Supp. 3d 658, 670-71 (E.D. Pa. 2017)
- *Bellmon v. City of Philadelphia*, 895 F. Supp. 2d 659, 668 (E.D. Pa. 2012)
- *Perry v. Well-Path*, No. 20-2542, 2021 WL 229398, at *1 (E.D. Pa. Jan. 22, 2021)
- *Talbert v. Well Path*, No. 20-3401, 2020 WL 4815828, at *1 (E.D. Pa. Aug. 19, 2020)
- *Robertson v. Port Authority of Allegheny County*, 144 A.3d 980, 984 (Pa. Commw. Ct. 2016)
- *Brown v. Hahnemann University Hospital*, 20 F. Supp. 3d 538, 542 (E.D. Pa. 2014)
- *Hightower-Warren v. Silk*, 698 A.2d 52, 54 (Pa. 1997)
- *Liggon-Redding v. Estate of Sugarman*, 659 F.3d 258, 264-65 (3d Cir. 2011)
- *Nayak v. C.G.A. Law Firm*, 620 F. App'x 90, 94 (3d Cir. 2015)

