

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Mason Fronius v. Michael A. Auberle, Fayette County Prosecutor

Fronius v. Auberle, Civil No. 26-712 (W.D. Pa. May 26, 2026) · No. Civil No. 26-712 · Decided May 26, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania granted Mason Fronius leave to proceed in forma pauperis but dismissed his 42 U.S.C. § 1983 action against Fayette County Prosecutor Michael A. Auberle. The court held that the claims were barred by the statute of limitations, lacked a favorable termination of the underlying criminal proceedings, and failed to establish the absence of probable cause. The court denied leave to amend as futile.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Marilyn J. Horan
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	May 26, 2026
DOCKET	Civil No. 26-712
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a pro se 42 U.S.C. § 1983 complaint together with a motion to proceed in forma pauperis. The court granted in forma pauperis status, directed the Clerk to file the complaint, and sua sponte dismissed the complaint under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court reviews an in forma pauperis complaint and must dismiss it if it is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from an immune defendant. On a sua sponte screening review, the court accepts well-pleaded factual allegations as true but may consider public records and documents integral to the complaint.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion and order
PARTIES	Mason Fronius v. Michael A. Auberle, Fayette County Prosecutor

TOPICS

section 1983

statute of limitations

motions to dismiss

probable cause

civil procedure

PRACTICE AREAS

civil rights

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether the complaint was barred by the two-year statute of limitations applicable to § 1983 claims arising in Pennsylvania.
2. Whether the nolle prosequi of the criminal charges constituted a favorable termination indicating Fronius's innocence, as required for a § 1983 malicious-prosecution claim.
3. Whether Fronius could state a malicious-prosecution claim where the prior action had determined that he could not allege that his arrest lacked probable cause.
4. Whether leave to amend should be granted.

HOLDINGS

1. The § 1983 claims were barred by Pennsylvania's two-year statute of limitations because the malicious-prosecution claim accrued when the criminal proceedings ended on April 2, 2024, and the complaint was filed on April 28, 2026.
2. The nolle prosequi did not constitute a favorable termination because the charges were abandoned when the victim declined to proceed, a disposition that did not indicate Fronius's innocence.
3. Fronius could not state a malicious-prosecution claim because he could not show that his arrest was made without probable cause.
4. Leave to amend was denied as futile.

KEY QUOTATIONS

“A “malicious-prosecution claim accrues when criminal proceedings end in the plaintiff’s favor.””
(Discussion)

“The favorable termination element is only satisfied if the criminal case was “disposed of in a way that indicates the innocence of the accused.”” (Discussion)

“Such a “dismissal can hardly be described as indicating the innocence of the accused.”” (Discussion)

“Leave to amend will not be permitted, as such would be futile.” (Conclusion)

FACTUAL BACKGROUND

Fronius alleged that Fayette County Prosecutor Michael A. Auberle maliciously prosecuted him for criminal charges arising from an alleged assault at Fronius's residence. He asserted that the prosecution disregarded Pennsylvania's stand-your-ground law and castle doctrine and continued after the prosecutor learned that the opposing parties came to the residence intending to fight him. The charges were nolle prossed on April 2, 2024, because the victim did not wish to proceed, and Fronius filed the present complaint on April 28, 2026.

PROCEDURAL HISTORY

Fronius previously filed two federal actions arising from the same alleged assault and criminal prosecution. The first action against the Pennsylvania State Police was dismissed based on Eleventh Amendment immunity and failure to sue a person within the meaning of § 1983. The second action against individual state troopers was dismissed for failure to allege that the arrest lacked probable cause. The present action against the Fayette County Prosecutor was dismissed without leave to amend because the claims were time-barred, the nolle prosequi was not a favorable termination indicating innocence, and probable cause had already been established as to the arrest.

DISPOSITION

dismissed

CASES CITED

- *Levins v. Healthcare Revenue Recovery Group LLC*, 902 F.3d 274, 279 (3d Cir. 2018)
- *In re Asbestos Products Liability Litigation* (No. VI), 822 F.3d 125, 133 n. 7 (3d Cir. 2016)
- *Freeman v. Green*, 2020 WL 673297, at *1 n.4 (E.D. Pa. Feb. 11, 2020)
- *Lake v. Arnold*, 232 F.3d 360, 368 (3d Cir. 2000)
- *Kost v. Kozakiewicz*, 1 F.3d 176, 189-90 (3d Cir. 1993)
- *Samerica Corp. of Del., Inc. v. City of Phila.*, 142 F.3d 582, 599 (3d Cir. 1998)
- *Randall v. City of Philadelphia Law Department*, 919 F.3d 196, 198 (3d Cir. 2019)
- *Heck v. Humphrey*, 512 U.S. 477, 489 (1994)
- *Kessler v. Crisanti*, 564 F.3d 181, 187 (3d Cir. 2009)
- *Donahue v. Gavin*, 280 F.3d 371, 383-84 (3d Cir. 2002)
- *Hector v. Watt*, 235 F.3d 154, 156 (3d Cir. 2000)
- *Meleika v. City of Jersey City*, No. CV 17-1959 (KM-JBC), 2018 WL 4522046, at *7 (D.N.J. Sept. 21, 2018)
- *Gorman v. Bail*, 947 F. Supp. 2d 509, 523 (E.D. Pa. 2013)
- *Fronius v. Pennsylvania State Police*, Criminal No. 24-771, ECF Nos. 3 & 4 (W.D. Pa. May 28, 2024)
- *Fronius v. Trooper Stemich*, Criminal No. 24-1054, ECF No. 8 (W.D. Pa. 2024)