

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Larry Kermit Rankin v. Lieutenant Michael Cinko, CO2 Sergeant A.
Boring and CO1 T. Walker

Rankin · No. 3:21-cv-215 · Decided December 4, 2025

SUMMARY

The United States District Court for the Western District of Pennsylvania adopted a magistrate judge’s Report and Recommendation concerning a prisoner’s 42 U.S.C. § 1983 claims arising from an allegedly unreasonable visual body cavity search. The court granted in part and denied in part the defendants’ motion for summary judgment, dismissing official-capacity, declaratory, and injunctive-relief claims while allowing the Fourth Amendment claims against the defendants in their individual capacities to proceed.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Stephanie L. Haines
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	December 4, 2025
DOCKET	3:21-cv-215
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a pro se action under 42 U.S.C. § 1983 alleging that correctional officers subjected him to a visual body-cavity search in view of other inmates without reasonable cause. After dismissal of claims against some defendants and completion of discovery, the remaining defendants moved for summary judgment. The motion was referred to a magistrate judge, whose Report and Recommendation recommended granting the motion in part and denying it in part. The district court received no objections and adopted the Report and Recommendation.
STANDARD OF REVIEW	Reasoned consideration of the Report and Recommendation because no timely and specific objections were filed, pursuant to 28 U.S.C. § 636(b)(1) and Local Civil Rule 72.D.2.

TOPICS

section 1983

prisoners rights

summary judgment

eleventh amendment immunity

civil rights

PRACTICE AREAS

civil rights

constitutional law

prisoners' rights

federal civil procedure

QUESTIONS PRESENTED

1. Whether the plaintiff's claims for declaratory and injunctive relief were appropriate given the posture of the case.
2. Whether the defendants were entitled to summary judgment on the plaintiff's official-capacity claims based on Eleventh Amendment sovereign immunity.
3. Whether the defendants were entitled to summary judgment on the plaintiff's Fourth Amendment claims.

HOLDINGS

1. The plaintiff's claims for declaratory and injunctive relief were inappropriate given the posture of the case and were dismissed with prejudice.
2. The official-capacity claims against the defendants were dismissed because the defendants were protected by Eleventh Amendment sovereign immunity.
3. Summary judgment was denied as to the plaintiff's Fourth Amendment claims because the defendants failed to carry their burden for entry of judgment in their favor.

KEY QUOTATIONS

"This case shall proceed as to Plaintiff's Fourth Amendment claim against Defendants." (Order)

"IT IS FURTHER ORDERED that Plaintiffs claims as to Defendants in their official capacities are DISMISSED and Plaintiff's claims for declaratory and injunctive relief are DISMISSED with prejudice." (Order)

FACTUAL BACKGROUND

While incarcerated at the State Correctional Institution at Somerset, Larry Kermit Rankin alleged that Lieutenant Michael Cinko, Sergeant A. Boring, and CO1 T. Walker subjected him to a visual body-cavity search in view of other inmates without reasonable cause. The claims remaining after an earlier motion to dismiss concerned the defendants' conduct and included Fourth Amendment allegations.

PROCEDURAL HISTORY

The court previously dismissed claims against John Wetzel, Eric Tice, and R.E. Shaffer for failure to plead a plausible cause of action. After discovery, the remaining defendants moved for summary judgment. Magistrate

Judge Maureen P. Kelly recommended partial dismissal of the requested relief and denial of summary judgment on the Fourth Amendment claims. With no timely objections, the district court accepted the findings and recommendations in whole, dismissed the official-capacity and declaratory and injunctive-relief claims, and allowed the Fourth Amendment claims to proceed.

DISPOSITION

other

REMAND INSTRUCTIONS

The case was returned to the jurisdiction of the magistrate judge for further proceedings. The plaintiff's motion to appoint counsel was referred to the magistrate judge for determination.

CASES CITED

- EEOC v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017)