

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Terrell Hale v. B. Stroble

Hale v. Stroble · No. No. 4:25-CV-01900 · Decided February 12, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania dismissed Terrell Hale’s Bivens claims against federal mailroom clerk B. Stroble concerning the handling of incoming legal mail. The court held that the First Amendment claim presented a new Bivens context and that alternative remedies and other special factors counseled against extending Bivens; it also dismissed official-capacity claims as barred by sovereign immunity and denied leave to amend as futile.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Matthew W. Brann
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	February 12, 2026
DOCKET	No. 4:25-CV-01900
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se federal prisoner brought an individual- and official-capacity Bivens action seeking money damages based on the alleged opening, copying, and delayed delivery of incoming legal mail. The district court screened the complaint under 28 U.S.C. § 1915A and dismissed it with prejudice for failure to state a claim and, as to the official-capacity claim, for seeking monetary relief from an immune defendant.
STANDARD OF REVIEW	At screening under 28 U.S.C. § 1915A(b)(1), the court applied the Rule 12(b)(6) plausibility standard, accepting well-pleaded factual allegations as true and drawing reasonable inferences in the plaintiff's favor while disregarding legal conclusions. The court also liberally construed the pro se complaint.
PRECEDENTIAL VALUE	unpublished_nonprecedential
PARTIES	Terrell Hale v. B. Stroble

TOPICS

civil rights

first amendment

sovereign immunity

motions to dismiss

civil procedure

PRACTICE AREAS

civil rights

constitutional law

federal courts

prisoner litigation

sovereign immunity

QUESTIONS PRESENTED

1. Whether a prisoner's First Amendment claim concerning the handling of incoming legal mail presents a new Bivens context for which a damages remedy may be implied.
2. Whether the availability of the Bureau of Prisons' Administrative Remedy Program and other special factors preclude extending Bivens to the asserted First Amendment prison-mail claim.
3. Whether Hale's official-capacity Bivens claim is barred by sovereign immunity and failure to establish subject-matter jurisdiction.
4. Whether Hale should be granted leave to amend or prospective injunctive relief after his transfer to another federal institution.

HOLDINGS

1. A prisoner's claim that a federal prison official opened, copied, and delayed incoming legal mail presents a new Bivens context because the Supreme Court has not recognized an implied damages remedy for that type of First Amendment claim and the claim differs from the three recognized Bivens contexts.
2. The court declined to extend Bivens because special factors counseled against implying a damages remedy, principally the availability of the Bureau of Prisons' Administrative Remedy Program as an alternative remedial structure.
3. Hale's official-capacity Bivens claim must be dismissed because a suit against a federal officer in an official capacity is effectively a suit against the United States, which is protected by sovereign immunity absent an express waiver.
4. Leave to amend was properly denied as futile because Hale sought an unwarranted extension of Bivens and his official-capacity claim was barred by sovereign immunity.
5. Any claim for prospective injunctive relief against Stroble was moot because Hale had been transferred from FCI Allenwood Low.

KEY QUOTATIONS

"Because Hale fails to state a claim for relief and granting leave to amend would be futile, the Court will dismiss this Bivens action with prejudice."

"These three cases—Bivens, Davis, and Carlson—represent the only instances in which the Court has approved of an implied damages remedy under the Constitution itself."

"In sum, Hale's First Amendment prison-mail claim would extend Bivens to a new context, yet special factors counsel against such an extension."

FACTUAL BACKGROUND

Hale, formerly incarcerated at FCI Allenwood Low, alleged that mailroom clerk B. Stroble opened and copied incoming legal mail, refused to allow Hale to sign for it, and delayed notifying him of the mail for approximately two weeks. Hale sought money damages under Bivens and purported to sue Stroble in both individual and official capacities. Hale was later transferred to FCI Ashland in Kentucky.

PROCEDURAL HISTORY

Hale initially filed a civil rights complaint asserting unrelated claims against several officials at FCI Allenwood Low. The court determined that the medical-care claims were properly joined but that the claims against Stroble and Getz were unrelated, and severed the matter into separate actions. In this action, Hale's remaining claim was against Stroble concerning incoming legal mail. The court dismissed the complaint with prejudice and denied leave to amend as futile.

DISPOSITION

dismissed

CASES CITED

- Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 397 (1971)
- Davis v. Passman, 442 U.S. 228, 248-49 (1979)
- Carlson v. Green, 446 U.S. 14, 16 n.1 (1980)
- Ziglar v. Abbasi, 582 U.S. 120, 130-31, 135-47 (2017)
- Egbert v. Boule, 596 U.S. 482, 492 (2022)
- Hernandez v. Mesa, 589 U.S. 93, 102-03 (2020)
- Mack v. Yost, 968 F.3d 311, 317-21 (3d Cir. 2020)
- Muniz v. United States, 149 F.4th 256, 263-65 (3d Cir. 2025)
- Kalu v. Spaulding, 113 F.4th 311, 327-28 (3d Cir. 2024)
- Fisher v. Hollingsworth, 115 F.4th 197, 205 (3d Cir. 2024)
- Kentucky v. Graham, 473 U.S. 159, 165-66 (1985)
- Treasurer of N.J. v. U.S. Department of Treasury, 684 F.3d 382, 395-96 (3d Cir. 2012)
- United States v. Mitchell, 445 U.S. 535, 538 (1980)
- Chinchello v. Fenton, 805 F.2d 126, 130 n.4 (3d Cir. 1986)
- Tucker v. Secretary, U.S. Department of Health & Human Services, 588 F. App'x 110, 115 (3d Cir. 2014)
- Grayson v. Mayview State Hospital, 293 F.3d 103, 109-10, 114 (3d Cir. 2002)
- O'Brien v. U.S. Federal Government, 763 F. App'x 157, 159 (3d Cir. 2019)
- Allah v. Seiverling, 229 F.3d 220, 223 (3d Cir. 2000)
- Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)
- Nami v. Fauver, 82 F.3d 63, 66 (3d Cir. 1996)

- Phillips v. County of Allegheny, 515 F.3d 224, 229 (3d Cir. 2008)
- Mayer v. Belichick, 605 F.3d 223, 230 (3d Cir. 2010)
- Pension Benefit Guaranty Corp. v. White Consolidated Industries, 998 F.2d 1192, 1196 (3d Cir. 1993)
- Connelly v. Lane Construction Corp., 809 F.3d 780, 787 (3d Cir. 2016)
- Ashcroft v. Iqbal, 556 U.S. 662, 675, 679, 681 (2009)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Dooley v. Wetzel, 957 F.3d 366, 374 (3d Cir. 2020)
- Shane v. Fauver, 213 F.3d 113, 115 (3d Cir. 2000)
- Centifanti v. Nix, 865 F.2d 1422, 1431 (3d Cir. 1989)
- Sutton v. Rasheed, 323 F.3d 236, 248 (3d Cir. 2003)
- Abdul-Akbar v. Watson, 4 F.3d 195, 197 (3d Cir. 1993)
- Hale v. Greene, No. 4:25-cv-01242, Doc. 10 at 4-5 (M.D. Pa. Sept. 23, 2025)

OPINION

Hale

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TERRELL HALE, No. 4:25-CV-01900

Plaintiff, (Chief Judge Brann) v.

B. STROBLE,

Defendant.

MEMORANDUM OPINION

FEBRUARY 12, 2026

Plaintiff Terrell Hale filed the instant pro se civil rights lawsuit alleging constitutional violations by prison officials at the Federal Correctional Institution, Allenwood Low (FCI Allenwood Low), in White Deer, Pennsylvania. He asserts claims for money damages under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). Because Hale fails to state a claim for relief and granting leave to amend would be futile, the Court will dismiss this *Bivens* action with prejudice.

I. BACKGROUND

In July 2025, Hale lodged the instant civil rights lawsuit in this Court.¹ At that time, Hale was incarcerated at FCI Allenwood Low,² and filed this action ¹ See Doc. 1 at 8, 9. pursuant to *Bivens v. Unknown Named Agents of the Federal Bureau of Narcotics*.³ Hale has since been transferred and is currently incarcerated in FCI Ashland, located in Ashland, Kentucky.⁴ In his lawsuit, Hale recounted a host of complaints regarding several unrelated incidents by different FCI Allenwood Low officials. He first alleged that Physician’s Assistant J. Stoltz “refused to help [him] with his complaints” regarding lack of sleep by declining to perform a sleep study, changing his mental

health medication doses “without informing him,” calling him derogatory names like “fat,” and failing to properly diagnose his “sleep-wake disorder(s) pursuant to the DSM-V.”⁵ Hale next alleged that mailroom clerk B. Stroble failed to comply with certain BOP policies concerning incoming legal mail. He asserted that Stroble improperly opened his legal mail and copied its contents, refusing to let Hale sign for it.⁶ He further averred that Stroble waited two weeks to notify him of his incoming legal mail, “causing unnecessary hurdles” in his legal proceedings.⁷ Hale then alleged that case manager Ms. Getz “made derogatory remarks” to him, telling him to “suck a dick” when he attempted to discuss his possibilities of 3 See id. 4 See Doc. 10.

⁵ Doc. 1 at 3-4.

⁶ Id. at 4.

⁷ Id. Second Chance Act placement.⁸ When Hale reported this conduct to the Warden, Getz allegedly retaliated against him by placing him in “refusal status” for the Inmate Financial Responsibility Program (IFRP), which negatively affected his ability to earn credits under the First Step Act, phone credits, and a \$50 incentive for completing 500 programming hours.⁹ Hale also alleged that Getz further retaliated by intentionally miscalculating his finances in an effort to improperly increase his IFRP payments.¹⁰ In his fourth claim, Hale alleged that psychiatrist Dr. S. Antonucci provided deficient mental health care. He claimed that Dr. Antonucci improperly changed Hale’s mental health diagnosis, declined to see him on several occasions when he was having suicidal thoughts, gave him “self[-]care treatment” and internet printouts from various websites instead of appropriate clinical advice, and would log a full hour of treatment but only provide 30 minutes of care.¹¹ Finally, Hale alleged that Dr. C. Schmidt, the “Drug Abuse Program Coordinator,” also provided deficient mental health care. He claimed that Dr. Schmidt refused to speak with him on several occasions even though he was aware of Hale’s mental health diagnoses, kicked him out of a psychology program, put him in program refusal status when Hale refused to return to the program, and 8 Id. 9 Id. 10 Id.

¹¹ Id. at 4-5.

retaliated against him when he challenged Dr. Schmidt’s refusal-status designation by putting him in the Special Housing Unit through a fraudulent incident report.¹² Hale additionally alleged that Warden J. Greene knew of the deficient medical care and “did nothing about . . . the unlawful acts of his staff.”¹³ He thus appears to contend that Warden Greene is equally responsible for the purportedly unconstitutional medical treatment. As reflected above, Hale’s complaint primarily concerns what he believed to be constitutionally deficient medical care at FCI Allenwood Low. His claims against Warden Greene, PA Stoltz, Dr. Antonucci, and Dr. Schmidt were therefore properly joined together in the same lawsuit, as they concern the same “series of transactions or occurrences” and contain a “question of law” that is common to all four Defendants.¹⁴ Hale’s unrelated claims against Stroble and Getz do not provide a basis for permissive joinder. The allegations underlying his Bivens claims against Stroble and Getz are not part of the “same transaction, occurrence, or series of transactions or occurrences” underlying his medical care

claims, nor is there a “question of law or fact common to all defendants” such that these claims and defendants could be permissively joined together in one action.¹⁵

¹² Id. at 5.

¹³ Id. at 6.

¹⁴ See FED. R. CIV. P. 20(a)(2) (discussing requirements for permissive joinder of defendants). ¹⁵ See *id.* Accordingly, the Court gave Hale the option of voluntarily dismissing his claims against Stroble and Getz or severing the instant case into three separate Bivens actions.¹⁶ Hale chose severance,¹⁷ so the Court severed the case into three separate actions (4:25-cv-01242, 4:25-cv-01900, and 4:25-cv-01901).¹⁸ As such, the only claim in this case—4:25-cv-01900—is Hale’s Bivens claim against Stroble regarding the handling of his incoming legal mail. Because Hale’s claim represents an extension of Bivens and that extension is not warranted, the Court will dismiss Hale’s complaint with prejudice.

II. STANDARDS OF REVIEW

Courts are statutorily obligated to review, “as soon as practicable,” *pro se* prisoner complaints targeting governmental entities, officers, or employees.¹⁹ One basis for dismissal at the screening stage is if the complaint “fails to state a claim upon which relief may be granted[.]”²⁰ This language closely tracks Federal Rule of Civil Procedure 12(b)(6). Accordingly, courts apply the same standard to screening a *pro se* prisoner complaint for sufficiency under Section 1915A(b)(1) as they utilize when resolving a motion to dismiss under Rule 12(b)(6).²¹ ¹⁶ See *Hale v. Greene*, No. 4:25-cv-01242, Doc. 10 at 4-5 (M.D. Pa. Sept. 23, 2025) (Brann, C.J.). ¹⁷ See *id.*, Doc. 11 (M.D. Pa. Oct. 3, 2025) (Brann, C.J.). ¹⁸ See *id.*, Doc. 13 (M.D. Pa. Oct. 9, 2025) (Brann, C.J.).

¹⁹ See 28 U.S.C. § 1915A(a).

²⁰ Id. § 1915A(b)(1). ²¹ See *Grayson v. Mayview State Hosp.*, 293 F.3d 103, 109-10 & n.11 (3d Cir. 2002); *O’Brien v. U.S. Fed. Gov’t*, 763 F. App’x 157, 159 & n.5 (3d Cir. 2019) (*per curiam*) (nonprecedential); cf. *Allah v. Seiverling*, 229 F.3d 220, 223 (3d Cir. 2000). In deciding a Rule 12(b)(6) motion to dismiss, courts should not inquire “whether a plaintiff will ultimately prevail but whether the claimant is entitled to offer evidence to support the claims.”²² The court must accept as true the factual allegations in the complaint and draw all reasonable inferences from them in the light most favorable to the plaintiff.²³ In addition to the facts alleged on the face of the complaint, the court may also consider “exhibits attached to the complaint, matters of public record, as well as undisputedly authentic documents” attached to a defendant’s motion to dismiss if the plaintiff’s claims are based upon these documents.²⁴ When the sufficiency of a complaint is challenged, the court must conduct a three-step inquiry.²⁵ At step one, the court must “tak[e] note of the elements [the] plaintiff must plead to state a claim.”²⁶ Second, the court should distinguish well-pleaded factual allegations—which must be taken as true—from mere legal conclusions, which “are not entitled to the assumption of truth” and may be disregarded.²⁷ Finally, the court must review the presumed-truthful allegations ²² *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974); see *Nami v. Fauver*, 82 F.3d 63, 66 (3d Cir. 1996). ²³ *Phillips v. County of Allegheny*, 515 F.3d

224, 229 (3d Cir. 2008). 24 *Mayer v. Belichick*, 605 F.3d 223, 230 (3d Cir. 2010) (citing *Pension Benefit Guar. Corp. v. White Consol. Indus.*, 998 F.2d 1192, 1196 (3d Cir. 1993)). 25 *Connelly v. Lane Const. Corp.*, 809 F.3d 780, 787 (3d Cir. 2016) (internal citations and quotation marks omitted) (footnote omitted). 26 *Id.* (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 675 (2009) (alterations in original)). 27 *Id.* (quoting *Iqbal*, 556 U.S. at 679). “and then determine whether they plausibly give rise to an entitlement to relief.”²⁸ Deciding plausibility is a “context-specific task that requires the reviewing court to draw on its judicial experience and common sense.”²⁹ Because Hale proceeds pro se, his pleadings are to be liberally construed and his complaint, “however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers[.]”³⁰ This is particularly true when the pro se litigant, like Hale, is incarcerated.³¹

III. DISCUSSION

Upon review of the Bivens claim against Stroble, it is clear that dismissal is required. Hale’s claim—which likely implicates the First Amendment³²—represents a clear extension of Bivens, and that extension is not warranted under the present circumstances. A. Bivens Claims In 1971, the Supreme Court of the United States held that, “even absent statutory authorization, it would enforce a damages remedy” to compensate individuals who experienced violations by federal officers of the Fourth Amendment’s prohibition against unreasonable searches and seizures.³³ 28 *Id.* (quoting *Iqbal*, 556 U.S. at 679). 29 *Iqbal*, 556 U.S. at 681. 30 *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam) (citations omitted). 31 *Dooley v. Wetzel*, 957 F.3d 366, 374 (3d Cir. 2020) (citation omitted). 32 See Doc. 1 at 7. 33 *Ziglar v. Abbasi*, 582 U.S. 120, 130-31 (2017); *Bivens*, 403 U.S. at 397. Subsequently, the Court extended the Bivens cause of action in two cases involving other types of constitutional violations. First, in *Davis v. Passman*, 442 U.S. 228, 248-49 (1979), the Court held that the Fifth Amendment’s Due Process Clause provided an implied damages remedy to an administrative assistant claiming that a Congressman had discriminated against her based on gender. Next, the Court concluded that the Eighth Amendment’s prohibition on cruel and unusual punishment implied a cause of action for damages against federal prison officials who had failed to provide adequate medical treatment to an asthmatic inmate.³⁴ “These three cases—Bivens, Davis, and Carlson—represent the only instances in which the Court has approved of an implied damages remedy under the Constitution itself.”³⁵ Over the years that followed, the Supreme Court has “consistently refused to expand Bivens actions beyond these three specific contexts.”³⁶ The Supreme Court has specifically noted that “expanding the Bivens remedy is now a ‘disfavored’ judicial activity.”³⁷ In *Ziglar v. Abbasi*, the Court provided a “restrictive, two-step framework for courts to follow when analyzing Bivens claims.”³⁸ First, courts must determine 34 See *Carlson v. Green*, 446 U.S. 14, 16 n.1 (1980). 35 *Abbasi*, 582 U.S. at 131; see also *Egbert v. Boule*, 596 U.S. 482, 492 (2022). 36 *Mack v. Yost*, 968 F.3d 311, 318 (3d Cir. 2020). 37 *Abbasi*, 582 U.S. at 135 (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 675 (2009)). 38 *Mack*, 968 F.3d at 317. whether the case presents a “new context,” i.e., if it is “different in a meaningful way from previous Bivens cases decided by [the Supreme] Court.”³⁹ The Supreme

Court has defined “new context” broadly,⁴⁰ explaining that “even a modest [Bivens] extension is still an extension.”⁴¹ A Bivens claim “may arise in a new context even if it is based on the same constitutional provision as a claim in a case in which a damages remedy was previously recognized.”⁴² If the case presents a new context, courts must then consider whether special factors counsel against extending the Bivens remedy.⁴³ If so, the court must reject the requested extension.⁴⁴ The Supreme Court has clarified that courts are required “to ask whether ‘the Judiciary is at least arguably less equipped than Congress’ to weigh the costs and benefits of a damages action.”⁴⁵ If the court “ha[s] reason to pause before applying Bivens in a new context or to a new class of defendants,” then special factors counseling hesitation exist.⁴⁶ There may be many special factors, but two are “particularly weighty: the availability of an alternative remedial structure and separation-of-powers concerns.”⁴⁷ Indeed, the United States Court of Appeals for the Third Circuit has held that the existence of an alternative ³⁹ Id. (alteration in original) (quoting *Abbasi*, 582 U.S. at 139). ⁴⁰ See id. ⁴¹ *Abbasi*, 582 U.S. at 147. ⁴² *Hernandez v. Mesa*, 589 U.S. 93, 103 (2020). ⁴³ See *Mack*, 968 F.3d at 317 (citing *Abbasi*, 582 U.S. at 136). ⁴⁴ See id. (citing *Hernandez*, 589 U.S. at 102). ⁴⁵ *Fisher v. Hollingsworth*, 115 F.4th 197, 205 (3d Cir. 2024) (quoting *Egbert*, 596 U.S. at 492). ⁴⁶ *Hernandez*, 589 U.S. at 102. ⁴⁷ *Mack*, 968 F.3d at 320 (internal quotation marks omitted). remedial structure—like the Federal Bureau of Prisons’ Administrative Remedy Program (ARP)—is a “special factor” that can create a new context at step one of the two-step analysis.⁴⁸ Hale’s First Amendment claim against Stroble presents a new context and special factors counsel against extending the Bivens remedy here. First, Hale’s claim that Stroble opened his legal and copied its contents and additionally waited two weeks to notify Hale of incoming legal mail is clearly a different context than any of the Bivens trilogy set forth above. The Supreme Court of the United States has never recognized an implied damages remedy for a First Amendment claim involving incoming prisoner legal mail. Moreover, the availability of the BOP’s administrative remedy program—which was not in existence when *Bivens*, *Carlson*, and *Davis* were considered by the Supreme Court—implicates a new Bivens context here.⁴⁹ The second step in the Bivens analysis asks whether special factors counsel against extending the Bivens remedy. The Court answers this question in the ⁴⁸ See *Muniz v. United States*, 149 F.4th 256, 263-64 (3d Cir. 2025); *Kalu v. Spaulding*, 113 F.4th 311, 327-28 (3d Cir. 2024). But see *Muniz*, 149 F.4th at 266-67 (Restrepo, J., concurring) (disagreeing with approach taken in *Kalu v. Spaulding* and observing that Seventh, Ninth, and Tenth Circuits consider “alternative remedial structures” only at step two, not as part of step one, which better aligns with the Supreme Court’s approach in *Egbert* and *Goldey v. Fields*, 606 U.S. 942 (2025)). ⁴⁹ See *Muniz*, 149 F.4th at 263-64; *Kalu*, 113 F.4th at 327-28. affirmative. Specifically, a Bivens extension is unwarranted here primarily because there are alternative remedies available. As the Third Circuit has repeatedly noted, the availability of the BOP’s administrative remedy program often provides an alternative to a federal Bivens lawsuit.⁵⁰ Through the administrative remedy process, federal prisoners “can alert the BOP to unconstitutional officer conduct and policies and prevent such constitutional

violations from recurring.”⁵¹ And even if Hale’s attempts to resolve his mail-related disputes through the administrative process were ultimately unsuccessful, he had access to at least “some redress,” and therefore the Court finds—as in *Mack*—that the BOP’s administrative remedy program offers a “convincing reason” to refrain from extending *Bivens* to a First Amendment claim like the one asserted by Hale.⁵² In sum, Hale’s First Amendment prison-mail claim would extend *Bivens* to a new context, yet special factors counsel against such an extension. The Court will therefore dismiss Hale’s individual-capacity *Bivens* claim against Stroble pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted. B. Official Capacity Claim Hale purports to sue Stroble in both individual and official capacity.⁵³ However, a suit against a federal officer in his or her official capacity is akin to a suit against the United States itself.⁵⁴ Such suits are barred by sovereign immunity—and thus lack subject matter jurisdiction—unless the United States has expressly waived its immunity and consented to be sued.⁵⁵ Hale has not alleged or shown that the United States has waived its sovereign immunity for *Bivens* claims, and thus he has failed to establish subject matter jurisdiction for any official capacity *Bivens* claim asserted against Stroble.⁵⁶ That claim, therefore, must be dismissed under 28 U.S.C. § 1915A(b)(2) for seeking monetary relief from an immune defendant and under Section 1915A(b)(1) as legally frivolous. C. Leave to Amend Generally, “plaintiffs who file complaints subject to dismissal under [the Prison Litigation Reform Act of 1995] should receive leave to amend unless 53 See Doc. 1 at 3 ¶ 6. 54 See *Kentucky v. Graham*, 473 U.S. 159, 165-66 (1985); *Treasurer of N.J. v. U.S. Dep’t of Treasury*, 684 F.3d 382, 395-96 (3d Cir. 2012) (citing *United States v. Mitchell*, 445 U.S. 535, 538 (1980)). 55 See *Treasurer of N.J.*, 684 F.3d at 395-96. 56 See *Chinchello v. Fenton*, 805 F.2d 126, 130 n.4 (3d Cir. 1986); *Tucker v. Sec. Health & Human Servs.*, 588 F. App’x 110, 115 (3d Cir. 2014) (nonprecedential). amendment would be inequitable or futile.”⁵⁷ Here, leave to amend will be denied as futile.⁵⁸ Hale seeks an extension of *Bivens* that is both judicially disfavored and unwarranted under the circumstances. His official capacity claim, moreover, is legally frivolous, as the United States is plainly immune from his *Bivens* claim. Finally, any claim seeking prospective injunctive relief against Stroble⁵⁹ must be dismissed as moot, as Hale has been transferred to a different federal institution.⁶⁰

IV. CONCLUSION

Based on the foregoing, the Court will dismiss with prejudice Hale’s *Bivens* complaint against Stroble pursuant to 28 U.S.C. § 1915A(b)(1) because he fails to plausibly state an individual-capacity claim for relief and because his official capacity claim is legally frivolous. An appropriate

Order follows. BY THE COURT: s/ Matthew W. Brann Matthew W. Brann Chief United States District Judge 57 Grayson, 293 F.3d at 114. 58 See *Shane v. Fauver*, 213 F.3d 113, 115 (3d Cir. 2000) (“‘Futility’ means that the complaint, as amended, would fail to state a claim upon which relief could be granted.” (citation omitted)); *Centifanti v. Nix*, 865 F.2d 1422, 1431 (3d Cir. 1989) (“[T]he district court may properly deny leave to amend where the amendment would not withstand a motion to dismiss.”). 59 See Doc. 1 at 7. 60 See *Sutton v. Rasheed*, 323 F.3d 236, 248 (3d Cir. 2003) (“An inmate’s transfer from the facility complained of generally moots the equitable and declaratory claims.”); see also *Abdul- Akbar v. Watson*, 4 F.3d 195, 197 (3d Cir. 1993).