

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Joshua Webster v. Atlantic County Justice Facility, et al.

Webster · No. Civil Action No. 24-10477 (ZNQ) · Decided December 15, 2025

SUMMARY

The United States District Court for the District of New Jersey screened Joshua Webster’s prisoner civil rights complaint concerning allegedly malfunctioning or timed-flush toilets at the Atlantic County Justice Facility. The court granted in forma pauperis status, dismissed the claims against the facility with prejudice because a county jail is not a proper § 1983 defendant, dismissed the claims against the warden without prejudice for failure to allege personal involvement, and granted leave to amend.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Zahid N. Quraishi
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	December 15, 2025
DOCKET	Civil Action No. 24-10477 (ZNQ)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Sua sponte screening of a prisoner's complaint and application to proceed in forma pauperis under 28 U.S.C. § 1915(e)(2)(B).
STANDARD OF REVIEW	The court applied the Rule 12(b)(6) plausibility standard during mandatory screening under 28 U.S.C. § 1915(e)(2)(B), accepting well-pleaded factual allegations as true and drawing reasonable inferences in the plaintiff's favor, while disregarding legal conclusions couched as factual allegations.
PRECEDENTIAL VALUE	Unpublished, not for publication
PARTIES	Joshua Webster v. Atlantic County Justice Facility, Michael Kelly

TOPICS

- section 1983
- prisoners rights
- motions to dismiss
- pleadings
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Atlantic County Justice Facility is a proper defendant in a 42 U.S.C. § 1983 action.
2. Whether the complaint plausibly alleged that Warden Michael Kelly had personal involvement, knowledge and acquiescence, or responsibility for a policy or custom causing the alleged plumbing conditions.
3. Whether the complaint should be dismissed under the mandatory screening provisions of 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim.

HOLDINGS

1. A county jail is not a proper defendant in a § 1983 civil rights action because it is not a separate entity from the municipality that operates it. The claims against the Atlantic County Justice Facility were dismissed with prejudice.
2. The complaint failed to state a plausible § 1983 claim against Warden Kelly because it alleged no facts showing his personal involvement, actual knowledge and acquiescence, or creation of a policy or custom that was the moving force behind the alleged plumbing conditions.
3. Because the complaint failed to state a claim for relief, the court was required to dismiss it under 28 U.S.C. § 1915(e)(2)(B). The claims against the jail were dismissed with prejudice, while the claims against Kelly were dismissed without prejudice with leave to amend.

KEY QUOTATIONS

“A defendant in a civil rights proceeding brought pursuant to § 1983 cannot be held liable merely based on his supervisory position, instead he must have personal involvement in the alleged wrong.”

“Without such additional factual matter, Plaintiff has not alleged a plausible claim for relief against Kelly, and Plaintiff’s claims against Kelly must be dismissed without prejudice at this time for failure to state a claim for which relief may be granted.”

FACTUAL BACKGROUND

Webster was a pretrial detainee housed at the Atlantic County Justice Facility. He alleged that the toilets in his cell flushed on a timer during certain periods, requiring him to use a toilet that had not yet been flushed. He did not allege how frequently or for how long the condition occurred, nor did he allege facts showing that Warden Michael Kelly knew of or personally caused the condition.

PROCEDURAL HISTORY

Webster, a pretrial detainee, filed a pro se § 1983 complaint against the Atlantic County Justice Facility and its warden, Michael Kelly, along with an application to proceed in forma pauperis. The court granted in forma pauperis status, screened the complaint, dismissed the claims against the jail with prejudice because the jail was

not a separate entity subject to suit, and dismissed the claims against Kelly without prejudice for failure to state a claim. The court granted leave to amend within thirty days.

DISPOSITION

dismissed

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. Cnty. 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 Atlantic v. Twombly, 550 U.S. 544, 555, 557, 570 (2007)
- Mala v. Crown Bay Marina, Inc., 704 F.3d 239, 245 (3d Cir. 2013)
- Harris v. Hudson Cnty. Jail, No. 14-6284, 2015 WL 1607703, at *5 (D.N.J. Apr. 8, 2015)
- Chavarriaga v. N.J. Dep't of Corr., 806 F.3d 210, 222 (3d Cir. 2015)
- Rode v. Dellarciprete, 845 F.2d 1195, 1207-08 (3d Cir. 1988)
- Natale v. Camden Cnty. Corr. Facility, 318 F.3d 575, 583-84 (3d Cir. 2003)

OPINION

NOT FOR PUBLICATION UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY
JOSHUA WEBSTER, Plaintiff, Civil Action No. 24-10477 (ZNQ) v. OPINION ATLANTIC
COUNTY JUSTICE FACILITY, et al., Defendants. QURAISHI, District Judge This matter comes
before the Court on the Court's sua sponte screening of Plaintiff's complaint (ECF No. 1) and
application to proceed in forma pauperis (ECF No. 1-1) in this prisoner civil rights matter.

Having reviewed Plaintiff's application, this Court finds that leave to proceed without the
prepayment of fees is authorized in this matter and Plaintiff's application shall therefore be
granted. Because Plaintiff shall be granted in forma pauperis status in this matter, this Court is
required to screen his complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) and dismiss any claim
which is frivolous, malicious, fails to state a claim for relief, or seeks relief from an immune
defendant.

For the reasons set forth below, Plaintiff's complaint shall be dismissed without prejudice for
failure to state a claim for which relief may be granted. I. BACKGROUND Plaintiff is a pretrial
detainee currently housed in the Atlantic County Justice Facility, a county jail. (ECF No. 1 at 2-3.)

In his complaint, Plaintiff alleges that the toilets in his cell are set up in such a way that during
certain times of the day, they flush on a timer rather than at the will of the user, which during these

times requires him to use a toilet which has yet to be flushed. (Id. at 5.) Plaintiff does not allege how often this occurs, or for how long the jail has been made to experience this situation.

(Id.) Based on these allegations, Plaintiff seeks to raise federal civil rights claims under 42 U.S.C. § 1983 against the jail itself and its warden, Michael Kelly. (Id. at 1-4.) As to Kelly, Plaintiff alleges only that Kelly “caused the [jail] to be condemned for lack of flushing toilets.” (Id. at 4.) Plaintiff does not allege any facts about how Kelly “caused” this situation, what his involvement was in developing the current plumbing system with the jail, or even facts indicating that Kelly has been made aware of the toilet conditions in Plaintiff’s cell.

(Id.) II. LEGAL STANDARD Because Plaintiff shall be granted in forma pauperis status, this Court is required to screen his complaint pursuant to 28 U.S.C. § 1915(e)(2)(B). Pursuant to the statute, this Court must sua sponte dismiss any claim that is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief.

Id. “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).” *Schreane v. Seana*, 506 F. App’x 120, 122 (3d Cir. 2012) (citing *Allah v. Seiverling*, 229 F.3d 220, 223 (3d Cir. 2000)).

In deciding a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6), a district court is required to accept as true all factual allegations in the complaint and draw all reasonable inferences from those allegations in the light most favorable to the plaintiff, see *Phillips v. Cnty. of Allegheny*, 515 F.3d 224, 228 (3d Cir. 2008), but need not accept as true legal conclusions couched as factual allegations.

Papasan v. Allain, 478 U.S. 265, 286 (1986). A complaint need not contain “detailed factual allegations” to survive a motion to dismiss, but must contain “more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). A complaint “that offers ‘labels and conclusions’ or ‘a formulaic recitation of the elements of a cause of action will not do,’” and a complaint will not “suffice” if it provides only “‘naked assertion[s]’ devoid of ‘further factual enhancement.’” Id. (quoting *Bell Atlantic v. Twombly*, 550 U.S. 544, 555, 557 (2007)). “To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” Id. (quoting *Twombly*, 550 U.S. at 570). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” Id. (quoting *Twombly*, 550 U.S. at 556).

A complaint that provides facts “merely consistent with” the defendant’s liability “stops short of the line between possibility and plausibility” and will not survive review under Rule 12(b)(6). Id.

(quoting *Twombly*, 555 U.S. at 557). While pro se pleadings are to be liberally construed in conducting such an analysis, pro se litigants must still “allege sufficient facts in their complaints to support a claim.” *Mala v. Crown Bay Marina, Inc.*, 704 F.3d 239, 245 (3d Cir.

2013). III. DISCUSSION In his complaint, Plaintiff seeks to raise conditions of confinement claims against the jail in which he is housed and the warden of that jail pursuant to 42 U.S.C. § 1983. A county jail, however, is not a proper Defendant in a civil rights proceeding as it is not considered a separate entity from the municipality which operates the jail.

See *Harris v. Hudson Cnty. Jail*, No. 14- 6284, 2015 WL 1607703, at *5 (D.N.J. April 8, 2015) (a county jail is not a person subject to suit under § 1983, the county itself is instead responsible for the operation of the facility). Plaintiff’s claims against the Atlantic County Justice Facility must therefore be dismissed with prejudice. Plaintiff’s claims against Warden Kelly also fail to state a claim for which relief may be granted.

A defendant in a civil rights proceeding brought pursuant to § 1983 cannot be held liable merely based on his supervisory position, instead he must have personal involvement in the alleged wrong. *Chavarriaga v. N.J. Dep’t of Corr.*, 806 F.3d 210, 222 (3d Cir. 2015); *Rode v. Dellarciprete*, 845 F.2d 1195, 1207-08 (3d Cir. 1988). Supervisors are thus generally only liable if they were directly involved in the alleged wrong, had actual knowledge of and acquiesced in the deeds of their subordinates, or they created a policy or custom which was the moving force behind the alleged wrong.

Chavarriaga, 806 F.3d at 222; see also *Natale v. Camden Cnty. Corr. Facility*, 318 F.3d 575, 583-84 (3d Cir. 2003). Although Plaintiff in his complaint provides a conclusory allegation that the warden “caused” the jail to be “condemned” because of its plumbing issues, Plaintiff pleads no facts which would support the inference that Kelly knew of the conditions, directly created the current system, or created a policy, practice, or custom that was the moving force behind the jail’s current plumbing woes.

Without such additional factual matter, Plaintiff has not alleged a plausible claim for relief against Kelly, and Plaintiff’s claims against Kelly must be dismissed without prejudice at this time for failure to state a claim for which relief may be granted.

As Plaintiff could allege additional facts to support such a claim, however, Plaintiff shall be granted leave to file an amended complaint within thirty days. IV. CONCLUSION For the reasons expressed above, Plaintiff’s in forma pauperis application (ECF No. 1-1) shall be GRANTED, Plaintiff’s claims against the Atlantic County Justice Facility shall be DISMISSED WITH PREJUDICE; and Plaintiff’s complaint (ECF No. 1) shall otherwise be DISMISSED WITHOUT PREJUDICE for failure to state a claim for which relief may be granted.

Plaintiff shall be granted leave to file an amended complaint addressing the deficiencies raised in this opinion within thirty days. An order consistent with this Opinion will be entered. Date: December 15, 2025 s/ Zahid N. Quraishi ZAHID N. QURAISHI UNITED STATES DISTRICT JUDGE

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-district-of-new-jersey/2025/joshua-webster-v-atlantic-county-justice-facility-et-al-dgmcn0n4>