

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Lavond A. Hill v. Corrections Officer Vicklund

Hill · No. 3:21-cv-00008 · Decided December 3, 2025

SUMMARY

The United States District Court for the Western District of Pennsylvania granted Corrections Officer Vicklund’s motion for summary judgment in Lavond A. Hill’s civil rights action. The court adopted the magistrate judge’s Report and Recommendation and held that Hill failed to exhaust available administrative remedies before filing suit. The Second Amended Complaint was dismissed with prejudice, and the case was marked closed.

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 3, 2025
DOCKET	3:21-cv-00008
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved for summary judgment on the ground that Plaintiff failed to exhaust administrative remedies before filing this prisoner civil-rights action. A magistrate judge recommended dismissal, and the district court conducted de novo review, adopted the recommendation, granted summary judgment, dismissed the Second Amended Complaint with prejudice, and closed the case.
STANDARD OF REVIEW	De novo review of the magistrate judge's Report and Recommendation under 28 U.S.C. § 636(b)(1)(B)-(C); summary judgment under Federal Rule of Civil Procedure 56(a), viewing the facts and reasonable inferences in the light most favorable to the nonmoving party.
PRECEDENTIAL VALUE	unpublished district court memorandum order; precedential status unknown
PARTIES	Lavond A. Hill v. Corrections Officer Vicklund

TOPICS

summary judgment

prisoners rights

section 1983

civil rights

civil procedure

PRACTICE AREAS

prisoner civil rights

civil procedure

summary judgment

administrative exhaustion

QUESTIONS PRESENTED

1. Whether Vicklund was entitled to summary judgment because Hill failed to exhaust available administrative remedies before filing suit.
2. Whether Hill presented sufficient evidence to create a genuine dispute that the prison grievance process was unavailable because of intimidation, threats, confiscation of property, or other interference.
3. Whether the district court should consider new claims asserted for the first time in Hill's supplement and objections.

HOLDINGS

1. Summary judgment was proper because Hill failed to file a grievance concerning the alleged incident involving Vicklund and the record established that the administrative grievance process was available to him.
2. The court would not consider new claims that Hill presented for the first time after the magistrate judge had addressed the case, and it declined to treat the supplement as an amendment because Hill had not sought leave to amend.

KEY QUOTATIONS

“This Court finds that there is no genuine dispute as to any material fact that the administrative exhaustion requirement was not met and Vicklund is entitled to judgment as a matter of law.” (Opinion text at 4)

“Even viewing the facts in the light most favorable to Hill, the Court finds that Hill’s bald assertion that the grievance system was unavailable is weak.” (Opinion text at 5)

FACTUAL BACKGROUND

Hill alleged that on January 5, 2021, while his property was being confiscated at SCI-Houtzdale, Vicklund violently pulled an animal tether attached to Hill's handcuffs, injuring Hill's wrist and elbow, and slammed Hill's face against a wall. Hill admitted that he did not file a grievance against Vicklund concerning the incident. The record showed that Hill filed 86 grievances while incarcerated at SCI-Houtzdale, including a grievance filed within days of the alleged incident, but none concerning Vicklund's alleged use of force.

PROCEDURAL HISTORY

Hill alleged that Corrections Officer Vicklund used excessive force against him during a January 5, 2021 incident at SCI-Houtzdale. After other defendants were terminated, Vicklund moved for summary judgment based on failure to exhaust administrative remedies. Magistrate Judge Keith A. Pesto recommended dismissal,

Hill filed objections and a supplement, and the district court accepted the recommendation in full after de novo review.

DISPOSITION

dismissed

CASES CITED

- Kirk v. Meyer, 279 F. Supp. 2d 617, 619 (E.D. Pa. 2003)
- Ross v. Blake, 578 U.S. 632, 633 (2016)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Doe v. Abington Friends Sch., 480 F.3d 252, 256 (3d Cir. 2007)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 248 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-23 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 324 (1986)
- Williams v. Borough of W. Chester, 891 F.2d 458, 460 (3d Cir. 1989)
- Woodside v. Sch. Dist. of Phila. Bd. of Educ., 248 F.3d 129, 130 (3d Cir. 2001)
- Santini v. Fuentes, 795 F.3d 410, 416 (3d Cir. 2015)
- United States v. Diebold, Inc., 369 U.S. 654, 655 (1962)
- Bialko v. Quaker Oats Co., 434 F. App'x 139, 141 n.4 (3d Cir. 2011)
- Valhal Corp. v. Sullivan Assocs., 44 F.3d 195, 200 (3d Cir. 1995)