

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Jackson v. Vogus, et al.

Jackson · No. 2:25-cv-184-KAP · Decided January 7, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania reviewed a magistrate judge’s Report and Recommendation in a prisoner civil-rights action. The court dismissed the claims without prejudice against all defendants except Defendant Vogus, granted leave to amend within 21 days, and denied the plaintiff’s motion challenging the magistrate judge’s assignment.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Robert J. Colville
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	January 7, 2026
DOCKET	2:25-cv-184-KAP
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal of the claims against all defendants except Defendant Vogus, considered the plaintiff's objection and motion to appeal the magistrate judge's assignment, and entered an order adopting the recommendation with modification.
STANDARD OF REVIEW	For objections to non-dispositive matters, the district court reviews for clear error or a decision contrary to law, reviewing factual findings for clear error and legal matters de novo. Objections to dispositive recommendations receive de novo review as to the portions objected to. Even absent objections, the court gives dispositive legal issues raised in a report and recommendation reasoned consideration.
PRECEDENTIAL VALUE	Unpublished district-court order; precedential status not stated.

TOPICS

- motion to amend
- appellate procedure
- standard of review
- prisoners rights
- civil procedure

PRACTICE AREAS

civil procedure

prisoner civil rights

magistrate judge review

pleading and amendment

QUESTIONS PRESENTED

1. Whether the magistrate judge's recommendation to dismiss the claims against defendants other than Vogus should be adopted.
2. Whether amendment of the claims against the other defendants would be futile or should be permitted.
3. Whether the plaintiff's motion to remove or replace the assigned magistrate judge and have a district judge manage the case should be granted.

HOLDINGS

1. The court adopted the magistrate judge's determination that the plaintiff failed to allege deliberate indifference by defendants other than Vogus and dismissed the claims against those defendants without prejudice.
2. The court held that amendment would not be futile and granted the plaintiff leave to amend the claims against the dismissed defendants within 21 days.
3. The court denied the plaintiff's motion to appeal the assignment of Magistrate Judge Pesto and declined to replace the magistrate judge with a district judge to manage non-dispositive motions and issue reports and recommendations on dispositive motions.
4. The court applied clear-error-or-contrary-to-law review to non-dispositive matters, de novo review to properly objected-to dispositive recommendations, and reasoned consideration to dispositive legal issues lacking objections.

KEY QUOTATIONS

"The Federal Magistrates Act provides two separate standards of judicial review of orders on matters referred to magistrate judges." (Order of Court, standards-of-review discussion)

"This standard requires the District Court to review findings of fact for clear error and to review matters of law de novo." (Order of Court, standards-of-review discussion)

"The Court agrees with the thorough and well-reasoned analysis set forth in Judge Pesto's Report and Recommendation that Plaintiff has failed to allege that Defendants other than Defendant Vogus acted with deliberate indifference." (Order of Court, disposition paragraphs)

"However, the Court disagrees that amendment would be futile." (Order of Court, disposition paragraphs)

FACTUAL BACKGROUND

Plaintiff William P. Jackson brought a prisoner civil-rights action against Mr. Vogus and other defendants. The court concluded that Jackson had failed to allege that defendants other than Vogus acted with deliberate indifference. The court nevertheless determined that amendment would not necessarily be futile and allowed Jackson to amend those claims.

PROCEDURAL HISTORY

Magistrate Judge Keith A. Pesto recommended dismissal of the action as to all defendants except Vogus. Plaintiff timely objected and later filed a motion to appeal the magistrate judge's assignment; a supplemental Report and Recommendation reiterated the dismissal recommendation, and no objection was filed to the supplemental report. The district court adopted the recommendation, permitted amendment rather than finding amendment futile, dismissed the claims against the other defendants without prejudice, granted 21 days to amend, and denied the motion to appeal.

DISPOSITION

other

CASES CITED

- Alarmax Distributors, Inc. v. Honeywell International Inc., No. 2:14-cv-1527, 2015 WL 12756857, at *1 (W.D. Pa. Nov. 24, 2015)
- Equal Employment Opportunity Commission v. City of Long Branch, 866 F.3d 93, 99-100 (3d Cir. 2017)
- Haines v. Liggett Group Inc., 975 F.2d 81, 91 (3d Cir. 1992)
- Pennsylvania, Department of Environmental Protection v. Allegheny Energy, Inc., No. 2:05-cv-885, 2007 WL 2253554, at *1 (W.D. Pa. Aug. 3, 2007)
- Anderson v. City of Bessemer, 470 U.S. 564, 573 (1985)
- Brandon v. Burkhart, No. 1:16-cv-177, 2020 WL 85494, at *2 (W.D. Pa. Jan. 7, 2020)
- Doe v. Hartford Life & Accident Insurance Co., 237 F.R.D. 545, 548 (D.N.J. 2006)
- Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987)

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