

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PRECEDENTIAL VALUE	Unpublished district-court order; precedential status not stated.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)

OPINION

VOGUS

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
WILLIAM P. JACKSON,)

)) No. 2:25-cv-184-KAP Plaintiff,)) v.) District Judge Robert J. Colville) MR. VOGUS, et al.,)
Magistrate Judge Pesto) Defendants.))

ORDER OF COURT

Currently pending before the Court is the Report and Recommendation (ECF No. 7) filed by the Honorable Keith A. Pesto in the above-captioned matter. Judge Pesto’s July 7, 2025 Report and Recommendation recommends that the Court dismiss the case as to all but one Defendant (Defendant Vogus). Objections to the Report and Recommendation were due by July 21, 2025. On July 18, 2025, Plaintiff filed a timely Objection (ECF No. 10) to the Report and Recommendation. On November 13, 2025, Plaintiff also filed a Motion to Appeal (ECF No. 14) the Report and

Recommendation. On November 4, 2025, Judge Pesto filed a Supplemental Report and Recommendation (ECF No. 12, along with the Report and Recommendation at ECF No. 7, the “Report and Recommendation”), with additional supplements, while making the same substantive recommendation that the case be dismissed as to all Defendants except Defendant Vogus. Objections to the Supplemental Report and Recommendation were due by November 18, 2025. No objections were filed. Defendants did not respond to Plaintiff’s Objection, and the Court considers this matter to be ripe for disposition. “The Federal Magistrates Act provides two separate standards of judicial review of orders on matters referred to magistrate judges.” *Alarmax Distributors, Inc. v. Honeywell Int’l Inc.*, No. 2:14-cv-1527, 2015 WL 12756857, at *1 (W.D. Pa. Nov. 24, 2015) (citing 28 U.S.C. § 636(b)(1)). A district court reviews objections to a magistrate judge’s decision on non-dispositive matters to determine whether any part of the order is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a). “This standard requires the District Court to review findings of fact for clear error and to review matters of law de novo.” *Equal Employment Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (citing *Haines v. Liggett Grp. Inc.*, 975 F.2d 81, 91 (3d Cir. 1992)). A district court may only modify or set aside those parts of the order on non-dispositive matters that it finds to be clearly erroneous or contrary to law. *Id.* “A finding is ‘clearly erroneous’ when, ‘although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed.’” *Pennsylvania, Dep’t of Env’tl. Prot. v. Allegheny Energy, Inc.*, No. 2:05-cv-885, 2007 WL 2253554, at *1 (W.D. Pa. Aug. 3, 2007) (quoting *Anderson v. City of Bessemer*, 470 U.S. 564, 573 (1985)). “A magistrate judge’s order is contrary to law ‘when the magistrate judge has misinterpreted or misapplied the applicable law.’” *Brandon v. Burkhardt*, No. 1:16-cv-177, 2020 WL 85494, at *2 (W.D. Pa. Jan. 7, 2020) (quoting *Doe v. Hartford Life & Accident Ins. Co.*, 237 F.R.D. 545, 548 (D.N.J. 2006)). Objections to a magistrate judge’s disposition of a dispositive matter are subject to de novo review before the district judge. 28 U.S.C. § 636(b)(1)(B)-(C); Fed. R. Civ. P. 72(b)(3). The reviewing district court must make a de novo determination of those portions of the magistrate judge’s report and recommendation to which objections are made. *Id.* Following de novo review, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3). The United States Court of Appeals for the Third Circuit has explained that “even absent objections to the report and recommendation, a district court should ‘afford some level of review to dispositive legal issues raised by the report,’” and has “described this level of review as ‘reasoned consideration.’” *Equal Employment Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (quoting *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987)). Upon consideration of Judge Pesto’s Report and Recommendation, Plaintiff’s Objections to the Report and Recommendation, and Plaintiff’s Motion to Appeal, and following review of all relevant docket entries, it is hereby ORDERED as follows: 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. However, the Court disagrees that amendment would be futile. The Court accepts and adopts Judge Pesto's Report and Recommendation as the opinion of the Court, with the modification that the Court will permit leave for Plaintiff to amend the claims as detailed by the Court above. Plaintiff's Objection to the Report and Recommendation is otherwise overruled. It is hereby further ORDERED that this case is dismissed without prejudice as to all Defendants except Defendant Vogus. Plaintiff has leave to amend the Complaint within 21 days of this Order. Respecting Plaintiff's Motion to Appeal the assignment of Judge Pesto to his case, pursuant to 28 U.S.C. § 636(b)(1) and Local Civil Rule 72(G), this matter is currently referred to Magistrate Judge Pesto. While, as per Plaintiff's request, a District Court Judge is assigned to this case, Plaintiff's apparent motion to remove the Magistrate Judge and instead have a District Court Judge "manage the case by deciding non-dispositive motions and submitting reports and recommendations on dispositive motions" is without merit. Local Rule of Court 72(G). Accordingly, it is hereby ORDERED that Plaintiff's Motion to Appeal is denied. Finally, while having no bearing on the Court's rulings, the Court takes this opportunity to comment on troubling observations made in Plaintiff's filings to date. Plaintiff has made a number of insulting and demeaning comments towards an esteemed member of the Federal Judiciary, the Honorable Keith A. Pesto. See, e.g., ECF No. 14. The Court cannot perceive any basis for which such comments were necessary to convey legal argument in this case. The Court will not tolerate such conduct in the future, and Plaintiff is hereby put on notice that if the Court perceives any comment as an attempt to insult any member of the Judiciary, whether it is Judge Pesto, this Court, or another referred magistrate, the Court will consider options at its disposal to sanction Plaintiff for this abuse. BY THE COURT: /s/Robert J. Colville Robert J. Colville United States District Judge DATED: January 7, 2026 cc: William P. Jackson QQ-2364
SCI LAUREL HIGHLANDS
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