

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
PENNSYLVANIA

Jerome Small v. Estate of K. Kauffman

Small · No. 1:20-CV-01242 · Decided March 30, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania granted the Defendant’s motion for summary judgment in Jerome Small’s First Amendment retaliation action. The court held that Small failed to exhaust available administrative remedies under the Prison Litigation Reform Act before filing suit and ordered judgment for the Defendant.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Middle District of Pennsylvania                                                                                                                                                                                                                                                                                                                                            |
| WRITING FOR THE COURT | Jennifer P. Wilson                                                                                                                                                                                                                                                                                                                                                                                              |
| JURISDICTION          | United States District Court for the Middle District of Pennsylvania                                                                                                                                                                                                                                                                                                                                            |
| DECIDED               | March 30, 2026                                                                                                                                                                                                                                                                                                                                                                                                  |
| DOCKET                | 1:20-CV-01242                                                                                                                                                                                                                                                                                                                                                                                                   |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                           |
| PROCEDURAL POSTURE    | Defendant moved for summary judgment in a prisoner civil-rights action alleging First Amendment retaliation. The court granted summary judgment because Plaintiff failed to exhaust available administrative remedies before filing suit.                                                                                                                                                                       |
| STANDARD OF REVIEW    | Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court views the evidence and reasonable inferences in the light most favorable to the nonmoving party, does not weigh evidence or determine credibility, and requires the nonmoving party to identify specific facts showing a genuine issue for trial. |
| PRECEDENTIAL VALUE    | unpublished district court memorandum; precedential status unknown                                                                                                                                                                                                                                                                                                                                              |

TOPICS

- summary judgment
- prisoners rights
- section 1983
- civil procedure
- first amendment

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether Defendant was entitled to summary judgment because Plaintiff failed to properly exhaust available administrative remedies before filing his prison-conditions action.
2. Whether Plaintiff's unsupported assertion that he was denied a grievance form created a genuine dispute of material fact regarding exhaustion.

## HOLDINGS

1. Because Plaintiff did not file the separate responsive statement required by Local Rule 56.1, the material facts asserted by Defendant were deemed admitted.
2. A prisoner must properly exhaust all available administrative remedies before bringing a federal action concerning prison conditions, and Plaintiff failed to satisfy that prerequisite before filing this action.
3. Plaintiff's unsupported assertion that he was denied a grievance form did not create a genuine dispute of material fact and did not excuse his failure to exhaust.

## KEY QUOTATIONS

*"No action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."* (Discussion § C)

*"A court may grant a motion for summary judgment when "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.""* (Standard of Review)

## FACTUAL BACKGROUND

The remaining claims concerned alleged First Amendment retaliation by Defendant Kauffman based on denial of Plaintiff's magazines and transfer to SCI-Greene. The Pennsylvania Department of Corrections grievance office records showed that the only grievance review submitted to SOIGA concerning the issues in the operative pleading was Grievance No. 894019, which concerned denial of magazines and did not name Kauffman. That grievance was dismissed on December 10, 2020, after Plaintiff filed this federal action in July 2020. Plaintiff asserted that he had been denied a grievance form, but submitted no evidence supporting that assertion.

## PROCEDURAL HISTORY

Plaintiff filed the action in July 2020 and later pursued amended and supplemental pleadings asserting Eighth Amendment and First Amendment retaliation claims. After several rounds of motions to dismiss, the only remaining claims were retaliation claims concerning denial of magazines and transfer to SCI-Greene. Following Defendant Kauffman's death, the Estate was substituted as Defendant. Defendant then moved for summary judgment, and the court granted the motion, entered judgment for Defendant, and closed the case.

## DISPOSITION

other

#### CASES CITED

- Woodford v. Ngo, 548 U.S. 81, 85 (2006)
- Spruill v. Gillis, 372 F.3d 218, 230 (3d Cir. 2004)
- Ray v. Kertes, 285 F.3d 287, 295 (3d Cir. 2002)
- Porter v. Nussle, 534 U.S. 516, 524 (2002)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248-49, 252 (1986)
- Thomas v. Tice, 943 F.3d 145, 149 (3d Cir. 2019)
- Lichtenstein v. University of Pittsburgh Medical Center, 691 F.3d 294, 300 (3d Cir. 2012)
- Emil Jutrowski v. Township of Riverdale, Jutrowski v. Township of Riverdale, 904 F.3d 280, 288-89 (3d Cir. 2018)
- Scheidemantle v. Slippery Rock University State System of Higher Education, 470 F.3d 535, 538 (3d Cir. 2006)
- D.E. v. Central Dauphin School District, 765 F.3d 260, 268-69 (3d Cir. 2014)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-23 (1986)
- Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986)
- Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971)