

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Eric Heilner, et al. v. Attorney General of the Commonwealth of
Pennsylvania, et al.

Heilner · No. 1:25-CV-01043 · Decided December 1, 2025

SUMMARY

The United States District Court for the Middle District of Pennsylvania dismissed without prejudice claims brought by several plaintiffs and granted Plaintiff Rivera leave to proceed in forma pauperis subject to payment of the filing fee under 28 U.S.C. § 1915. The court deemed the complaint filed but dismissed it without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii), denied class certification, and permitted the plaintiffs to file an amended complaint by January 2, 2026. The order also directed the Clerk to obtain trust account information and provide Plaintiff Heilner with the correct in forma pauperis application.

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	December 1, 2025
DOCKET	1:25-CV-01043
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiffs filed a civil-rights complaint and sought class certification. The district court addressed applications to proceed in forma pauperis, screened the complaint under 28 U.S.C. § 1915(e)(2)(B)(ii), dismissed the complaint without prejudice, denied class certification, and permitted an amended complaint.
STANDARD OF REVIEW	Statutory screening under 28 U.S.C. § 1915(e)(2)(B)(ii)
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is not stated in the opinion.

TOPICS

- prisoners rights
- section 1983
- class actions
- civil procedure

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether the complaint should be dismissed without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii).
2. Whether the claims of Dantzler-Harris, Cunagin, Zernicke, and Settle should be dismissed under 28 U.S.C. § 1914.
3. Whether Rivera should be permitted to proceed in forma pauperis subject to payment of the statutory filing fee.
4. Whether plaintiffs' request for class certification should be denied.
5. Whether plaintiffs should be permitted to file an amended complaint.

HOLDINGS

1. The complaint was dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
2. The claims raised by Dantzler-Harris, Cunagin, Zernicke, and Settle were dismissed without prejudice pursuant to 28 U.S.C. § 1914.
3. Rivera's application to proceed in forma pauperis was granted, but Rivera remains responsible for the full \$350 filing fee, payable through the statutory inmate-account deduction procedure.
4. Plaintiffs' request for class certification was denied.
5. Plaintiffs were permitted to file an amended complaint by January 2, 2026; if no amended complaint or notice of intent to stand on the complaint is filed, the case will be closed.

FACTUAL BACKGROUND

The plaintiffs filed a civil-rights complaint against the Attorney General of the Commonwealth of Pennsylvania and other defendants. Several plaintiffs sought to proceed without prepayment of fees, and the filing reflects that Rivera submitted an in forma pauperis application while Heilner was directed to submit the correct application. Plaintiffs also requested class certification.

PROCEDURAL HISTORY

Plaintiffs commenced this action by filing a complaint. Plaintiff Rivera was granted leave to proceed in forma pauperis but was ordered to pay the full filing fee through statutory deductions. The court dismissed certain plaintiffs' claims under 28 U.S.C. § 1914 and dismissed the complaint without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii), while allowing plaintiffs to amend by January 2, 2026.

DISPOSITION

dismissed

CASES CITED

- Weber v. McGrogan, 939 F.3d 232, 241 (3d Cir. 2019)

OPINION

Heilner

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ERIC HEILNER, et al., : Civil No. 1:25-CV-01043 Plaintiffs, : v. : ATTORNEY GENERAL OF
THE : COMMONWEALTH OF : PENNSYLVANIA, et al., : Defendants. : Judge Jennifer P.
Wilson

ORDER

AND NOW, on this 1st day of December, 2025, for the reasons set forth in the accompanying memorandum, IT IS ORDERED THAT:

1. Claims raised by Plaintiffs Dantzler-Harris, Cunagin, Zernicke, and Settle are DISMISSED without prejudice pursuant to 28 U.S.C. § 1914.
2. Plaintiff Rivera's application for leave to proceed in forma pauperis, Doc. 7, is GRANTED.
3. Plaintiff Rivera shall pay the full filing fee of \$350.00, based on the financial information provided in the application to proceed in forma pauperis. The full filing fee shall be paid regardless of the outcome of the litigation.
4. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at Plaintiff Rivera's place of confinement is directed to deduct an initial partial filing fee of 20% of the greater of: (A) the average monthly deposits in the inmate's prison account for the past six months, or (B) the average monthly balance in the inmate's prison account for the past six months.
5. The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in the Plaintiff's inmate prison account exceeds \$10.00, the Superintendent / Warden, or other proper official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff Rivera's prison account until the \$350.00 fee is paid. Each payment shall reference the above-captioned docket number.
6. The Clerk of Court shall send a copy of this Order to the Superintendent/Warden of the institution wherein Plaintiff Rivera is presently confined.
7. The Clerk of the Court shall send administrative orders to the Warden of the facilities that house Plaintiffs Hoffman and Heilner seeking copies of their prisoner trust fund account statements.
8. The Clerk of the Court shall send Plaintiff Heilner the civil rights

application to proceed in forma pauperis, Doc. 4-1.

9. Plaintiff Heilner will file the correct application to proceed in forma pauperis by January 2, 2026.

10. The complaint, Doc. 1, is deemed FILED.

11. The complaint is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

12. Plaintiffs request for class certification is DENIED.

13. Plaintiffs may file an amended complaint by January 2, 2026.¹ If no amended complaint is filed, the court will close the case. s/Jennifer P. Wilson

JENNIFER P. WILSON

United States District Judge Middle District of Pennsylvania 1 If Plaintiffs do not wish to amend the complaint, they may file a notice stating that they intend to stand on the complaint. If Plaintiffs file such notice, the court will enter a final order dismissing the complaint so that an appeal may be filed. See *Weber v. McGrogan*, 939 F.3d 232, 241 (3d Cir. 2019).