

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Vernard J. Pearsey v. FCI-Schuylkill, et al.

Pearsey · No. 1:25-CV-02255 · Decided December 29, 2025

SUMMARY

The United States District Court for the Middle District of Pennsylvania grants Vernard J. Pearsey leave to proceed in forma pauperis and screens his complaint concerning allegedly delayed or inadequate medical care for lupus while incarcerated at FCI-Schuylkill. The court dismisses the state-law medical malpractice and negligence claims, dismisses FCI-Schuylkill with prejudice and Warden Rickard without prejudice, and permits the Eighth Amendment Bivens claims against the remaining defendants to proceed subject to amendment.

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 29, 2025
DOCKET	1:25-CV-02255
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a self-represented prisoner's complaint filed in forma pauperis under 28 U.S.C. § 1915(e)(2)(B)(ii).
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B)(ii), the court must dismiss an in forma pauperis action at any time if it fails to state a claim. The standard is identical to the Rule 12(b)(6) standard: the complaint must contain sufficient factual matter to state a plausible claim for relief, with well-pleaded allegations accepted as true and reasonable inferences construed in favor of the nonmoving party.
PRECEDENTIAL VALUE	unpublished district court memorandum; nonprecedential
PARTIES	Vernard J. Pearsey v. FCI-Schuylkill, Beth A. Rickard, R. Rishel, G. Baybel, M.D., Mathew Fahringer, M. Bartol

TOPICS

motions to dismiss

prisoners rights

medical malpractice

negligence

constitutional law

PRACTICE AREAS

civil rights

constitutional law

federal courts

prisoner litigation

health law

QUESTIONS PRESENTED

1. Whether the complaint stated Bivens claims for deliberate indifference to serious medical needs under the Eighth Amendment.
2. Whether medical malpractice and medical negligence claims may proceed as Bivens constitutional claims.
3. Whether FCI-Schuylkill may be sued as a defendant in a Bivens action.
4. Whether the complaint adequately alleged personal involvement by Warden Rickard or impermissibly relied on respondeat superior.
5. Whether the plaintiff should receive leave to amend before service.

HOLDINGS

1. Medical malpractice and medical negligence claims are not cognizable under Bivens because they are state-law tort claims rather than constitutional challenges; those claims were dismissed without prejudice.
2. FCI-Schuylkill, a federal facility rather than a federal official, cannot be a defendant in a Bivens action; claims against it were dismissed with prejudice.
3. The complaint failed to state a Bivens claim against Warden Rickard because it alleged no personal involvement and could not rely solely on respondeat superior; claims against Rickard were dismissed without prejudice.
4. The Eighth Amendment deliberate-indifference claims against Rishel, Baybel, Fahringer, and Bartol survived initial screening.
5. Pearsey was granted an opportunity to file an amended complaint before service, and any amended complaint must include all claims, including those that survived screening.

KEY QUOTATIONS

“In order “[t]o survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” (Standard)

“Rather, ‘a plaintiff must plead that each Government-official defendant, through the official’s own individual actions, has violated the Constitution.’” (Discussion B)

FACTUAL BACKGROUND

Pearsey alleged that, while incarcerated at FCI-Schuylkill, he submitted more than ten sick-call requests seeking treatment for a lupus-related facial rash and requested a recommended skin biopsy. He alleged that treatment was

delayed for approximately twelve months, that Bartol advised him to obtain topical hydrocortisone and later failed to provide bandages, and that Baybel confirmed a dermatology appointment and recommended renewed rheumatological care. He also alleged that he contacted Health Service Administrator Fahringer for assistance and that he sought a change in care from Rishel. The alleged delay caused pain and suffering.

PROCEDURAL HISTORY

Pearsey filed a complaint alleging denial and delay of medical care for lupus while housed at FCI-Schuylkill, along with a motion to proceed in forma pauperis. The court granted in forma pauperis status, screened the complaint, dismissed the state-law medical malpractice and negligence claims without prejudice, dismissed FCI-Schuylkill with prejudice, dismissed Warden Rickard without prejudice, and allowed the Eighth Amendment Bivens claims against Rishel, Baybel, Fahringer, and Bartol to proceed past screening. The court granted leave to amend before service.

DISPOSITION

other

CASES CITED

- Grayson v. Mayview State Hospital, 293 F.3d 103, 109–10 & n.11 (3d Cir. 2002)
- Ashcroft v. Iqbal, 556 U.S. 662, 676, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 556, 570 (2007)
- Doe v. University of the Sciences, 961 F.3d 203, 208 (3d Cir. 2020)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Higgs v. Attorney General, 655 F.3d 333, 339 (3d Cir. 2011)
- Phillips v. County of Allegheny, 515 F.3d 224, 245 (3d Cir. 2008)
- Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 397 (1971)
- Bistrrian v. Levi, 912 F.3d 79, 88 (3d Cir. 2018)
- Egbert v. Boule, 596 U.S. 482 (2022)
- Fisher v. Hollingsworth, 115 F.4th 197 (3d Cir. 2024)
- Davis v. Passman, 442 U.S. 228, 248–49 (1979)
- Carlson v. Green, 446 U.S. 14, 23–25 (1980)
- Wilkie v. Robbins, 551 U.S. 537, 550 (2007)
- Ziglar v. Abbasi, 582 U.S. 120, 139 (2017)
- Lomando v. United States, 667 F.3d 363, 372 (3d Cir. 2011)
- In re Orthopedic Bone Screw Products Liability Litigation, 264 F.3d 344, 362 (3d Cir. 2001)
- Brownback v. King, 141 S. Ct. 740, 746 (2021)
- CNA v. United States, 535 F.3d 132, 138 n.2 (3d Cir. 2008), as amended (Sept. 29, 2008)

