

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

William Harris v. Ashley Trafficante, et al.

Harris · No. 2:23-cv-00491 · Decided February 4, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania overruled William Harris’s objections to a magistrate judge’s report and recommendation and granted oral surgeon Russell Wible’s motion for summary judgment. The court held that Harris had not presented sufficient competent evidence to support an inference of deliberate indifference to his serious medical needs under the Eighth Amendment. The court adopted the report and recommendation as augmented and entered judgment for Wible.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	David Stewart Cercone
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	February 4, 2026
DOCKET	2:23-cv-00491
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's Report and Recommendation recommending that Defendant Russell Wible's motion for summary judgment be granted. After de novo review, the district court overruled the objections, adopted the Report and Recommendation as augmented, and granted Wible's motion for summary judgment.
STANDARD OF REVIEW	De novo review of the Report and Recommendation and objections under 28 U.S.C. § 636(b)(1); summary judgment is proper where the nonmoving party fails to identify sufficient cognizable evidence creating a genuine issue of material fact on an element for which that party bears the burden of proof.
PRECEDENTIAL VALUE	Unpublished district-court memorandum and order; precedential status is not stated in the opinion.
PARTIES	William Harris v. Ashley Trafficante, Seth Erickson, (First Name Unknown) Carlson, Russell Wible, Wesley Tift, (First Name

TOPICS

prisoners rights cruel and unusual punishment summary judgment section 1983 civil procedure

PRACTICE AREAS

prisoner civil rights constitutional litigation civil procedure medical treatment claims

QUESTIONS PRESENTED

1. Whether Plaintiff identified sufficient evidence to create a genuine dispute that Defendant Wible acted with deliberate indifference to a serious medical need in violation of the Eighth Amendment.
2. Whether Plaintiff's disagreement with Wible's diagnosis and treatment decision, without competent expert or other reliable evidence of a deviation from professional standards, could withstand summary judgment.

HOLDINGS

1. Plaintiff failed to produce competent and reliable evidence from which a reasonable factfinder could conclude that Wible acted with deliberate indifference. Wible's examination, professional assessment, and recommendation for follow-up treatment did not support an inference of the requisite subjective deliberate-indifference state of mind.
2. Summary judgment for Wible was appropriate because Plaintiff failed to identify sufficient cognizable evidence creating a material factual dispute on deliberate indifference, an element on which Plaintiff would bear the burden at trial.

KEY QUOTATIONS

“deliberate indifference entails something more than mere negligence” (3)

“A mere difference of opinion between the prison's medical staff and the inmate as to the diagnosis or treatment which the inmate receives does not support a claim of cruel and unusual punishment.” (3)

“as long as a physician exercises professional judgment his behavior will not violate a prisoner's constitutional rights” (4)

FACTUAL BACKGROUND

Plaintiff alleged that Russell Wible, an oral surgeon, acted with deliberate indifference by failing to provide additional expert treatment for a sinus condition after dental extractions. When Wible examined Plaintiff on October 27, 2021, he found a healed extraction site and determined that the sinus condition was outside the dental care to be performed by an oral surgeon, while recommending follow-up with an ear, nose, and throat specialist subject to prison medical approval. Plaintiff did not follow through with the recommended treatment

because he was unwilling to be seen by the proposed specialist, and he offered no competent expert or other reliable evidence showing that Wible's treatment decision violated professional standards of care.

PROCEDURAL HISTORY

Harris commenced a prisoner civil-rights action under 42 U.S.C. § 1983. The matter was referred for pretrial proceedings under 28 U.S.C. § 636(b)(1), and Magistrate Judge Kezia O. L. Taylor issued a Report and Recommendation on August 14, 2025, recommending summary judgment for Russell Wible. Harris timely objected, but the district court found the objections unavailing and adopted the Report and Recommendation after de novo review.

DISPOSITION

other

CASES CITED

- Simpson v. Kay Jewelers, Div. of Sterling, Inc., 142 F.3d 639, 643 n.3 (3d Cir. 1998)
- Fuentes v. Perskie, 32 F.3d 759, 762 n.1 (3d Cir. 1994)
- Estelle v. Gamble, 429 U.S. 97, 105-06 (1976)
- Ramos v. Lamm, 639 F.2d 559, 575 (3d Cir. 1980)
- Monmouth County Correctional Institution Inmates v. Lanzaro, 834 F.2d 326, 346-47 (3d Cir. 1987)
- Bowring v. Godwin, 551 F.2d 44, 48 (4th Cir. 1977)
- Massey v. Hutto, 545 F.2d 45, 46 (8th Cir. 1976) (per curiam)
- Farmer v. Brennan, 511 U.S. 825, 835-37 (1994)
- Pearson v. Prison Health Service, 850 F.3d 526, 535, 538 (3d Cir. 2017)
- Brown v. Borough of Chambersburg, 903 F.2d 274, 278 (3d Cir. 1990)
- Brightwell v. Lehman, 637 F.3d 187, 194 n.8 (3d Cir. 2011)

OPINION

HARRIS

PER CURIAM.

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILLIAM HARRIS,)

) Plaintiff,)) v.) 2:23cv491) Electronic Filing ASHLEY TRAFFICANTE Mailroom) Supervisor,
SETH ERICKSON Unit) Manager, (FIRST NAME UNKNOWN)) CARLSON Corrections
Sargeant,) RUSSELL WIBLE Oral Surgeon,) WESLEY TIFT Security Captain Ret.,)
(FIRST NAME UNKNOWN))

BATOVSKY Corrections Officer,)

(FIRST NAME UNKNOWN))

QUATTRO Corrections Officer,)

(UNIDENTIFIED EMPLOYEE CITED))

Medical Services Staff Member,)) Defendants.) MEMORANDUM and ORDER Plaintiff William Harris ("Plaintiff") commenced this prisoner civil rights action on or about March 3, 2022. The case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court 72.C and 72.D. The case was assigned to United States Magistrate Judge Kezia O. L. Taylor on January 3, 2024, following Judge Lenihan's retirement. The Magistrate Judge's Report and Recommendation (ECF No. 130) filed on August 14, 2025, recommended that Defendant Russell Wible's Motion for Summary Judgment be granted. Plaintiff timely filed objections to the Report and Recommendation on October 8, 2025. Plaintiff's objections are unavailing. Plaintiff conflates the standards governing a motion permit a finding that defendant Dr. Wible acted with deliberate indifference when he decided not to provide further expert treatment on October 21, 2021. See *Simpson v. Kay Jewelers, Div. of Sterling, Inc.*, 142 F.3d 639, 643 n.3 (3d Cir. 1998) (a non-moving party must respond "by pointing to sufficient cognizable evidence to create material issues of fact concerning every element as to which the non-moving party will bear the burden of proof at trial.") (quoting *Fuentes v. Perskie*, 32 F.3d 759, 762 n.1 (3d Cir. 1994)). Dr. Wible's assessment following the examination on October 27, 2021, was that plaintiff presented with a healed tooth extraction site and at that point any need to address his sinus condition was outside the realm of the dental care to be performed by an oral surgeon. Dr. Wible did recommend follow-up treatment for this condition with an Ear, Nose and Throat specialist, subject to approval by the prison medical staff. Plaintiff points to his ongoing interactions with Dr. Tolner and the repeated notations in the record that plaintiff should be examined by an oral surgeon regarding his blocked sinus cavity. And from this he extrapolates the proposition that Dr. Wible actually needed to treat his blocked sinus cavity when plaintiff was seen approximately 14 months after the extractions. Of course, dissatisfaction of this nature is not the concern of the Eighth Amendment. See *Estelle*, 429 U.S. at 106 (mere negligent misdiagnosis or treatment is not actionable because medical malpractice is not a constitutional violation); *Ramos v. Lamm*, 639 F.2d 559, 575 (3d Cir. 1980) ("accidental or inadvertent failure to provide adequate medical care, or negligent diagnosis or treatment of a medical condition do not constitute a medical wrong under the Eighth Amendment. See *Estelle v. Gamble*, supra, 429 U.S. at 105-06 A fortiori, a mere difference of opinion between the prison's medical staff and the inmate as to the diagnosis or treatment which the inmate receives does not support a claim of cruel and unusual punishment. 2 Cir.)); *Monmouth County Correctional Institution Inmates v. Lanzaro*, 834 F.2d, 326, 346 (3d Cir. 1987) ("mere disagreement as to the proper medical treatment" is insufficient in establishing a constitutional violation) (citing *Bowring v. Godwin*, 551 F.2d 44, 48 (4th Cir.1977); *Massey v. Hutto*, 545 F.2d 45, 46 (8th Cir. 1976) (per curiam)"). Moreover, plaintiff misunderstands the nature of his burden in the instant matter. The Supreme Court has made clear that proving "deliberate indifference entails something more than mere negligence" and requires proof of a subjective standard that the

official was both "aware of facts from which the inference could be drawn that a substantial risk of serious harm exists" and that the official did in fact "draw the inference." *Farmer v. Brennan*, 511 U.S. 825, 835-37

(1994). The United States Court of Appeals for the Third Circuit has found deliberate indifference in a number of instances involving the need for medical care within a penal facility, "including where (1) prison authorities deny reasonable requests for medical treatment, (2) knowledge of the need for medical care is accompanied by the intentional refusal to provide it, (3) necessary medical treatment is delayed for non-medical reasons, and (4) prison authorities prevent an inmate from receiving recommended treatment for serious medical needs." *Pearson v. Prison Health Service*, 850 F.3d 526, 538 (3d Cir. 2017) (citing *Lanzaro*, 834 F.2d at 347). Three principles are brought into play where an inmate seeks to establish deliberate indifference predicated on the adequacy of medical care provided in response to complaints involving a serious medical need. *Pearson*, 850 F.3d 535. They are: 1) deliberate indifference involves proving a subjective state of mind that can be accomplished through circumstantial evidence and witness testimony; 2) a critical distinction exists "between cases where the complaint alleges a complete denial of medical care and those alleging inadequate medical 3 acted with deliberate indifference. *Id.* Because the mere inadequacy of care does not suffice to establish deliberate indifference, a plaintiff seeking to prevail in a dispute involving the adequacy of medical care has a sub-component in proving deliberate indifference that is not present in other situations. In this scenario the prisoner must show objectively that the treatment fell below the standard of care and then show that the deviation was the result of something more than inadvertence or a mistake in medical judgment. *Id.* In other words, a plaintiff seeking to establish deliberate indifference in an adequacy of care context must advance evidence that sufficiently displaces the presumption "that the treatment of a prisoner is proper absent evidence that it violates professional standards of care." *Id.* (citing *Brown v. Borough of Chambersburg*, 903 F.2d 274, 278 (3d Cir. 1990) ("[I]t is well established that as long as a physician exercises professional judgment his behavior will not violate a prisoner's constitutional rights")). This means that competent evidence such as expert testimony is required where the jury "would not be in a position to determine that the particular treatment or diagnosis fell below a professional standard of care." *Id.* Absent such testimony, the record must contain "other forms of extrinsic proof" that constitute sufficiently reliable evidence to permit such a finding. *Id.* (citing *Brightwell v. Lehman*, 637 F.3d 187, 194 n.8 (3d Cir. 2011)). Plaintiff does not advance sufficient competent evidence to permit the trier of fact to determine that Dr. Wible acted with deliberate indifference. Dr. Wible did recognize that plaintiff had an "abnormal space between the maxillary sinus and oral cavity" that was healed and plaintiff's "sinus condition may or may not be related" to this condition. Plaintiff does not take issue with this determination. Instead, he argues that Dr. Wible should have treated him instead of determining that the condition was no longer a matter for an oral surgeon to treat but 4 plaintiff advances to establish that this assessment amounted to deliberate indifference falls short of the level of

competent and reliable evidence needed to withstand summary judgment. Of course, plaintiff's own uncorroborated assertion that Dr. Wible should have provided more or different expert dental treatment when he saw plaintiff on October 27, 2021, and/or that what he did do was inadequate, is not evidence that can be used to undermine Dr. Wible's professional assessment that the extraction site had healed to the point where, at over one year from the extraction, plaintiff's condition was no longer a matter requiring the expertise and services of an oral surgeon. And the notations by Dr. Tolner in the months following the extractions do not undermine in any meaningful way Dr. Wible's assessment of the extraction site and whether oral surgery was indicated 14 months after extraction. They merely support the point that plaintiff needed to be evaluated by an oral surgeon after the extractions, which is precisely what Dr. Wible did, albeit months later due to decisions plaintiff made regarding COVID protocols and restrictions. And finally, Dr. Wible did recommend further treatment. Plaintiff chose not to follow through with that recommendation because of his unwillingness to be seen by Dr. Herbig. Whether considered individually or collectively, an inference of deliberate indifference on the part of Dr. Wible cannot reasonably be drawn from these records, assertions and/or plaintiff's choice not to pursue the recommended follow up treatment. Plaintiff's objections are unavailing and thus are overruled. It follows that the following order is appropriate. After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered: AND NOW, this 4th day of February, 2026, 5 and the same hereby is, granted. The [130] Report and Recommendation of Magistrate Judge Taylor dated August 14, 2026, as augmented above is adopted as the opinion of the Court. s/David Stewart Cercone David Stewart Cercone Senior United States District Judge cc: The Honorable Kezia O. L Taylor Counsel of record (Via CM/ECF electronic mail) William Harris CX-7039 SCI Fayette 50 Overlook Drive LaBelle, PA 15450 (Via United States Postal Service mail) 6