

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA, JOHNSTOWN DIVISION

Allen R. Sears v. Mr. Kovac, Dr. Naji Muhammad, Medical
Department, and C/O Jessica Brothers Sopic

Sears v. Kovac · No. 3:24-cv-00295 · Decided April 6, 2026

SUMMARY

This Report and Recommendation addresses Defendant C/O Jessica Brothers Sopic’s partial motion to dismiss Allen R. Sears’s Second Amended Complaint. The magistrate judge recommends dismissing any independent claims based on alleged violations of Pennsylvania Department of Corrections policy, while allowing Sears’s Eighth Amendment claims to proceed. The ADA claims and any First Amendment retaliation claim were not challenged in the motion and are also identified as proceeding to discovery.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania, Johnstown Division
WRITING FOR THE COURT	Christopher B. Brown, United States Magistrate Judge
JURISDICTION	United States District Court for the Western District of Pennsylvania, Johnstown Division
DECIDED	April 6, 2026
DOCKET	3:24-cv-00295
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on Defendant C/O Jessica Brothers Sopic's partial motion to dismiss Plaintiff's Second Amended Complaint under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences in the plaintiff's favor, and determines whether the complaint states a facially plausible claim. Unsupported conclusions, unwarranted inferences, bald assertions, and legal conclusions need not be accepted. Pro se pleadings are held to less stringent standards, but pro se litigants must still allege sufficient facts.

TOPICS

motions to dismiss

prisoners rights

section 1983

ada / disability

civil procedure

PRACTICE AREAS

civil procedure

prisoner civil rights

constitutional law

disability discrimination

QUESTIONS PRESENTED

1. Whether alleged violations of Pennsylvania Department of Corrections policies constitute an independent cause of action under 42 U.S.C. § 1983.
2. Whether the allegations that C/O Sopic placed Sears in an unsanitary cell, denied him cleaning supplies, showers, and recreation, and knew of his mental illness plausibly state an Eighth Amendment conditions-of-confinement claim at the pleading stage.

HOLDINGS

1. Alleged violations of DOC policies do not create rights actionable under 42 U.S.C. § 1983; any independent claims based solely on DOC-policy violations should be dismissed.
2. The Second Amended Complaint plausibly states an Eighth Amendment claim based on allegations that C/O Sopic knowingly placed Sears in a cell contaminated with fecal matter, denied cleaning supplies, showers, and recreation, and knew of Sears's mental illness and the potential effect of those conditions.

KEY QUOTATIONS

“In light of these allegations, and contrary to Defendant’s position that the allegations that failure to provide a cell clean of fecal matter combined with the denial of showers and cleaning supplies for an inmate living with mental illness do not present an Eighth Amendment claim, the undersigned finds the Second Amended Complaint plausibly states an Eighth Amendment claim.” (Discussion § D.2)

“Specifically, it is recommended the motion be granted as to all claims based on alleged violations of DOC policy and denied as to all Eighth Amendment claims.” (Conclusion)

FACTUAL BACKGROUND

Sears, a Pennsylvania state prisoner with a severe mental illness designation, was confined in a mental-health housing unit at SCI-Houtzdale. He alleged that C/O Sopic moved him into a cell containing feces, trash, an odor, and an unflushed toilet, ignored his complaints, and denied his requests for cleaning supplies and proper cleaning. He further alleged that Sopic denied him showers and recreation for a period of days and that she knew these conditions could exacerbate his physical and mental conditions. Sears asserted Eighth Amendment and ADA claims under federal law and referenced alleged violations of DOC policies.

PROCEDURAL HISTORY

Sears, a state prisoner proceeding pro se, initiated the action on December 16, 2024 and was granted in forma pauperis status. After filing an Amended Complaint and after an earlier motion to dismiss, Sears filed the operative Second Amended Complaint naming only C/O Jessica Brothers Sopic. Sopic moved to dismiss claims based on alleged DOC-policy violations and Eighth Amendment claims. The magistrate judge recommended granting the motion as to independent DOC-policy claims and denying it as to the Eighth Amendment claims; ADA claims and any First Amendment retaliation claim were not challenged by the motion and were recommended to proceed.

DISPOSITION

other

CASES CITED

- Gould Elecs. v. United States, 220 F.3d 169, 178 (3d Cir. 2000)
- Simon v. United States, 341 F.3d 193 (3d Cir. 2003)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 556, 570 (2007)
- Fowler v. UPMC Shadyside, 578 F.3d 203, 211 (3d Cir. 2009)
- Phillips v. County of Allegheny, 515 F.3d 224, 234 (3d Cir. 2008)
- Doug Grant, Inc. v. Greate Bay Casino Corp., 232 F.3d 173, 183–84 (3d Cir. 2000)
- Morse v. Lower Merion School District, 132 F.3d 902, 906 (3d Cir. 1997)
- Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Boag v. MacDougall, 454 U.S. 364 (1982)
- Mala v. Crown Bay Marina, Inc., 704 F.3d 239, 245 (3d Cir. 2013)
- Riddle v. Mondragon, 83 F.3d 1197, 1202 (10th Cir. 1996)
- Stokes v. Houser, No. 1:22-cv-01136, 2023 WL 5489034, at *3 (M.D. Pa. Aug. 24, 2023)
- Lewis v. Sec'y of Pub. Safety & Corr., 870 F.3d 365, 369 (5th Cir. 2017)
- Muata v. Hicks, No. 21-3210, 2022 WL 2526692, at *2 (3d Cir. July 7, 2022)
- Betts v. New Castle Youth Development Center, 621 F.3d 249, 256 (3d Cir. 2010)
- Farmer v. Brennan, 511 U.S. 825, 832, 835 (1994)
- Rhodes v. Chapman, 452 U.S. 337, 347 (1981)
- Young v. Quinlan, 960 F.2d 351, 364 (3d Cir. 1992)
- Nyhuis v. Reno, 204 F.3d 65, 71 n.7 (3d Cir. 2000)
- Wilson v. Seiter, 501 U.S. 294, 298 (1991)
- Brightwell v. Lehman, 637 F.3d 187, 193 n.7 (3d Cir. 2011)
- Siers v. Morrash, 700 F.2d 113, 116 (3d Cir. 1983)
- Equal Employment Opportunity Commission v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017)

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