

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

John Maurice McDonald v. Robert Marsh, Deputy Secretary for
Central Region, et al.

McDonald · No. 1:24-cv-00091 · Decided May 27, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania partially grants and partially denies Defendants’ motion to dismiss John Maurice McDonald’s Second Amended Complaint under 42 U.S.C. § 1983. The court dismisses official-capacity and conspiracy claims with prejudice and dismisses claims against Defendants Brown and Martt, while allowing claims involving the alleged cell extraction and use of force by several other defendants to proceed. The opinion also addresses pleading requirements for personal involvement in constitutional violations.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Patricia L. Dodge
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	May 27, 2026
DOCKET	1:24-cv-00091
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to partially dismiss a pro se prisoner’s Second Amended Complaint asserting claims under 42 U.S.C. § 1983. The court granted the motion in part and denied it in part.
STANDARD OF REVIEW	Under Rule 12(b)(6), the court accepts well-pleaded allegations as true, views them in the light most favorable to the plaintiff, disregards conclusory allegations, and determines whether the complaint pleads sufficient factual matter to state a facially plausible claim. A deficient civil-rights complaint ordinarily must be permitted to be amended unless amendment would be inequitable or futile.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; precedential status unknown

TOPICS

motions to dismiss

section 1983

prisoners rights

civil rights

civil procedure

PRACTICE AREAS

civil rights

prisoner civil rights

constitutional litigation

federal civil procedure

QUESTIONS PRESENTED

1. Whether the Second Amended Complaint could proceed against defendants in their official capacities after the court had previously dismissed such claims with prejudice.
2. Whether previously dismissed conspiracy claims remained viable in the Second Amended Complaint.
3. Whether the complaint adequately pleaded the personal involvement of members of the extraction team whose individual actions could not yet be identified.
4. Whether the complaint adequately pleaded personal involvement by Brown and Martt regarding the confiscation of McDonald's property.

HOLDINGS

1. All official-capacity claims against all defendants, including the defendants added or restored in the Second Amended Complaint, were dismissed with prejudice because the court's prior dismissal of those claims applied to the additional parties as well.
2. Any conspiracy claims asserted in the Second Amended Complaint were dismissed with prejudice because the court had previously dismissed them without prejudice and allowed amendment by a specified deadline, but McDonald stated that he did not intend to amend and did not amend by that deadline.
3. The motion to dismiss was denied as to Gigliotti, Meier, Weaver, Moore, Anderson, and Coulson. At the pleading stage, McDonald was not required to identify which masked officer delivered each punch or kick when he alleged that each defendant participated in the extraction and discovery could reveal their individual involvement.
4. Brown and Martt were dismissed with prejudice because the Second Amended Complaint merely repeated allegations that they were mentioned in connection with property confiscation and did not adequately plead their personal involvement; McDonald neither amended those allegations nor argued that they should remain defendants.

KEY QUOTATIONS

"Under Rule 12(b)(6), a motion to dismiss may be granted only if, accepting all well-pleaded allegations in the complaint as true and viewing them in the light most favorable to the plaintiff, a court finds that plaintiff's claims lack facial plausibility."

"The Court of Appeals has held that individual liability can be imposed under section 1983 only if the state actor played an "affirmative part" in the alleged misconduct."

FACTUAL BACKGROUND

McDonald, a Pennsylvania state prisoner, alleged that he was confined for approximately ninety days in a restrictive-housing cell lacking shelves, cabinets, and a desk, and that the placement was racially motivated. He alleged that correctional officers used OC spray during a cell extraction and assaulted him, causing facial, bodily, and finger injuries. He further alleged that prison officials confiscated or lost his property and that Lieutenant Walker threatened him and demanded that he abandon a lawsuit. The motion concerned pleading sufficiency and personal involvement, not the ultimate merits of these allegations.

PROCEDURAL HISTORY

McDonald commenced the action in March 2024. After an earlier motion to dismiss, the court dismissed official-capacity claims with prejudice, conspiracy claims without prejudice, and claims against Brown and Martt without prejudice, while allowing the action to proceed in other respects. McDonald then filed a Second Amended Complaint identifying members of the extraction team and adding Lieutenant Bell. Defendants filed a partial motion to dismiss, which the court granted as to official-capacity claims, conspiracy claims, and Brown and Martt, but denied as to the newly identified extraction-team defendants.

DISPOSITION

other

CASES CITED

- Warren General Hospital v. Amgen Inc., 643 F.3d 77, 84 (3d Cir. 2011)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-56, 570 (2007)
- Fowler v. UPMC Shadyside, 578 F.3d 203, 210 (3d Cir. 2009)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Malleus v. George, 641 F.3d 560, 563 (3d Cir. 2011)
- Phillips v. County of Allegheny, 515 F.3d 224, 236 (3d Cir. 2008)
- Fletcher-Harlee Corp. v. Pote Concrete Contractors, Inc., 482 F.3d 247, 251 (3d Cir. 2007)
- Alston v. Suzuki, 227 F.3d 107, 121 (3d Cir. 2000)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Higgs v. Attorney General, 655 F.3d 333, 339 (3d Cir. 2011)
- Schmidt v. Skolas, 770 F.3d 241, 249 (3d Cir. 2014)
- Baker v. McCollan, 443 U.S. 137, 140, 144 n.3 (1979)
- Albright v. Oliver, 510 U.S. 266, 271 (1994)
- Graham v. Connor, 490 U.S. 386, 394 (1989)
- Rode v. Dellarciprete, 845 F.2d 1195, 1207 (3d Cir. 1988)
- Torres v. Allentown Police Department, 2014 WL 4081477, at *6 (E.D. Pa. Aug. 18, 2014)

