

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Devon Newton v. Curran Fromhold Correctional Facility, et al.

Civil Action No. 25-CV-5053 (E.D. Pa. Mar. 9, 2026) · No. 25-CV-5053 · Decided March 9, 2026

SUMMARY

The United States District Court for the Eastern District of Pennsylvania granted Devon Newton leave to proceed in forma pauperis and deemed his complaint filed. The court dismissed claims against Curran Fromhold Correctional Facility with prejudice and claims against the other defendants without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii), allowing Newton 30 days to amend or notify the court that he intends to stand on his complaint.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Karen Spencer Marston
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	March 9, 2026
DOCKET	25-CV-5053
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court considered Plaintiff's motion to proceed in forma pauperis and screened his complaint under 28 U.S.C. § 1915(e)(2)(B)(ii).
STANDARD OF REVIEW	Whether the complaint states a claim under 28 U.S.C. § 1915(e)(2)(B)(ii).
PRECEDENTIAL VALUE	Unknown; the order is an unpublished district-court order.
PARTIES	Devon Newton v. Curran Fromhold Correctional Facility, et al.

TOPICS

- civil rights
- prisoners rights
- section 1983
- pleadings
- civil procedure

PRACTICE AREAS

- civil rights
- prisoner litigation
- federal civil procedure

QUESTIONS PRESENTED

1. Whether Newton should be permitted to proceed in forma pauperis.
2. Whether the complaint stated a claim under 28 U.S.C. § 1915(e)(2)(B)(ii).
3. Whether Newton should be given leave to amend claims dismissed without prejudice.
4. Whether a plaintiff may be required to notify the court whether he intends to stand on a defective complaint, with inaction permitting the court to infer that intent and enter a final dismissal.

HOLDINGS

1. Newton was granted leave to proceed in forma pauperis under 28 U.S.C. § 1915, and the complaint was deemed filed.
2. The complaint failed to state a claim and was dismissed in part with prejudice and in part without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii).
3. Newton was given thirty days to file an amended complaint attempting to cure the identified defects in the claims dismissed without prejudice.
4. If Newton failed to amend or otherwise respond within thirty days, the court would infer that he intended to stand on his complaint and would issue a final order dismissing the case.

KEY QUOTATIONS

“If Newton files an amended complaint, his amended complaint must be a complete document that does not rely on the initial Complaint or other papers filed in this case to state a claim.” (Order ¶ 4)

“If Newton fails to file any response to this Order, the Court will conclude that Newton intends to stand on his Complaint and will issue a final order dismissing this case.” (Order ¶ 7)

FACTUAL BACKGROUND

Devon Newton filed a complaint against Curran Fromhold Correctional Facility and other defendants and sought leave to proceed in forma pauperis. The court determined, for the reasons stated in its accompanying memorandum, that the complaint failed to state a claim. The court dismissed the claims against the facility with prejudice and dismissed the claims against the remaining defendants without prejudice, allowing Newton an opportunity to amend.

PROCEDURAL HISTORY

Newton filed a civil-rights complaint and moved to proceed in forma pauperis. The court granted in forma pauperis status, deemed the complaint filed, dismissed the claims against Curran Fromhold Correctional Facility with prejudice, and dismissed the claims against the other named defendants without prejudice. The court allowed thirty days to amend and provided that failure to respond would result in a final dismissal after the court inferred an intent to stand on the complaint.

DISPOSITION

dismissed

CASES CITED

- Weber v. McGrogan, 939 F.3d 232, 239-41 (3d Cir. 2019)
- Borelli v. City of Reading, 532 F.2d 950, 951 n.1 (3d Cir. 1976)
- In re Westinghouse Securities Litigation, 90 F.3d 696, 703-04 (3d Cir. 1996)
- Poulis v. State Farm Fire & Casualty Co., 747 F.2d 863 (3d Cir. 1984)
- Elansari v. Altria, 799 F. App'x 107, 108 n.1 (3d Cir. 2020) (per curiam)
- Dickens v. Danberg, 700 F. App'x 116, 118 (3d Cir. 2017) (per curiam)
- Baker v. Accounts Receivables Management, Inc., 292 F.R.D. 171, 175 (D.N.J. 2013)

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