

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Handy v. Kelly

Civil Action No. 24-11096 (ZNQ) (JTQ) (D.N.J. Feb. 6, 2026) · No. 24-11096 (ZNQ) (JTQ) · Decided February 6, 2026

SUMMARY

The United States District Court for the District of New Jersey grants Dominique Handy’s application to proceed in forma pauperis and screens his prisoner civil rights complaint under 28 U.S.C. § 1915(e) (2)(B). The court dismisses with prejudice the claims against the Atlantic County Justice Facility because the jail is not a separate legal entity from the municipality operating it, and dismisses without prejudice the claims against Warden Michael Kelly for lack of alleged personal involvement. The court grants leave to amend within thirty days.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Zahid N. Quraishi
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	February 6, 2026
DOCKET	24-11096 (ZNQ) (JTQ)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Sua sponte screening of a pro se prisoner's complaint under 28 U.S.C. § 1915(e)(2)(B) after granting in forma pauperis status.
STANDARD OF REVIEW	The court applied the 28 U.S.C. § 1915(e)(2)(B) screening standard, which it stated is the same as the Federal Rule of Civil Procedure 12(b)(6) failure-to-state-a-claim standard. Factual allegations were accepted as true and reasonable inferences were drawn in Plaintiff's favor, but legal conclusions and conclusory allegations were not accepted as true.
PRECEDENTIAL VALUE	unpublished and nonprecedential
PARTIES	Dominique Handy v. Michael Kelly, Atlantic County Justice Facility

TOPICS

- section 1983
- prisoners rights
- civil rights
- motions to dismiss
- civil procedure

PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

conditions of confinement

in forma pauperis screening

QUESTIONS PRESENTED

1. Whether the Atlantic County Justice Facility is a proper defendant in a 42 U.S.C. § 1983 action.
2. Whether the complaint plausibly alleged Michael Kelly's personal involvement in the challenged conditions of confinement.
3. Whether the complaint stated a claim for relief under the 28 U.S.C. § 1915(e)(2)(B) screening standard.

HOLDINGS

1. A county jail is not a proper defendant in a civil rights proceeding because it is not a separate entity from the municipality that operates it; Plaintiff's claims against the Atlantic County Justice Facility were therefore dismissed with prejudice.
2. A § 1983 defendant may not be held liable solely on the basis of a supervisory position; the plaintiff must allege personal involvement, actual knowledge and acquiescence, or a policy or custom that was the moving force behind the alleged harm.
3. The complaint failed to state a plausible claim for relief against the named defendants under 28 U.S.C. § 1915(e)(2)(B), requiring dismissal of the facility claims with prejudice and the Kelly claims without prejudice.

KEY QUOTATIONS

"The legal standard for dismissing a complaint for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) is the same as that for dismissing a complaint pursuant to Federal Rule of Civil Procedure 12(b)(6)."
(Legal Standard)

"A defendant in a civil rights proceeding cannot be held liable merely based on his supervisory position, instead he must have personal involvement in the alleged wrongs." (Discussion)

"Plaintiff's claims against the Atlantic County Justice Facility shall be DISMISSED WITH PREJUDICE; and Plaintiff's complaint shall be otherwise be DISMISSED WITHOUT PREJUDICE for failure to state a claim for which relief may be granted." (Conclusion)

FACTUAL BACKGROUND

Dominique Handy, a pretrial detainee housed at the Atlantic County Justice Facility, challenged conditions of confinement under 42 U.S.C. § 1983. He alleged that the jail toilets had limited flushing capability and did not drain immediately, and that painted windows diminished natural light. Handy named the jail and its warden, Michael Kelly, alleging only that Kelly had authorized the conditions, without alleging that Kelly knew of or was personally involved in them.

PROCEDURAL HISTORY

Plaintiff filed a 42 U.S.C. § 1983 complaint concerning conditions of confinement at the Atlantic County Justice Facility and an application to proceed in forma pauperis. The court granted the application, dismissed claims against the Atlantic County Justice Facility with prejudice, and dismissed the claims against Warden Michael Kelly without prejudice for failure to state a claim. The court granted Plaintiff thirty days to file an amended complaint.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

No remand. Plaintiff was granted leave to file an amended complaint within thirty days.

CASES CITED

- Schreane v. Seana, 506 F. App'x 120, 122 (3d Cir. 2012)
- Allah v. Seiverling, 229 F.3d 220, 223 (3d Cir. 2000)
- Phillips v. Cnty. of Allegheny, 515 F.3d 224, 228 (3d Cir. 2008)
- Papasan v. Allain, 478 U.S. 265, 286 (1986)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic v. Twombly, 550 U.S. 544, 555, 557, 570 (2007)
- Mala v. Crown Bay Marina, Inc., 704 F.3d 239, 245 (3d Cir. 2013)
- Harris v. Hudson Cnty. Jail, No. 14-6284, 2015 WL 1607703, at *5 (D.N.J. Apr. 8, 2015)
- Chavarriaga v. N.J. Dep't of Corr., 806 F.3d 210, 222 (3d Cir. 2015)
- Rode v. Dellarciprete, 845 F.2d 1195, 1207-08 (3d Cir. 1988)
- Natale v. Camden Cnty. Corr. Facility, 318 F.3d 575, 583-84 (3d Cir. 2003)

OPINION

NOT FOR PUBLICATION UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY
DOMINIQUE HANDY, Plaintiff, Civil Action No. 24-11096 (ZNQ) (JTQ) v. OPINION
MICHAEL KELLY, et al., Defendants. QURAISHI, District Judge This matter comes before the Court on the Court's sua sponte screening of Plaintiff's complaint (ECF No. 1) and application to proceed in forma pauperis (ECF No. 1-1) in this prisoner civil rights matter.

Having reviewed Plaintiff's application, this Court finds that leave to proceed without the prepayment of fees is authorized in this matter and Plaintiff's application shall therefore be granted. Because Plaintiff shall be granted in forma pauperis status in this matter, this Court is required to screen his complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) and dismiss any claim which is frivolous, malicious, fails to state a claim for relief, or seeks relief from an immune defendant.

For the reasons set forth below, Plaintiff's claims against the Atlantic County Justice Facility shall be dismissed with prejudice, and Plaintiff's complaint shall otherwise be dismissed without prejudice for failure to state a claim for which relief may be granted.

I. BACKGROUND Plaintiff is a pretrial detainee currently housed in the Atlantic County Justice Facility, a county jail. (ECF No. 1 at 2-3.) In this matter, Plaintiff seeks to raise a civil rights claim under 42 U.S.C. § 1983 based on the conditions of confinement in the jail. (Id. at 2-5.) Plaintiff specifically complains that the jail's toilets have limited flushing capability and do not drain immediately, and that the windows in Plaintiff's unit have been painted and provide diminished natural light.

(Id. at 5.) Plaintiff names two Defendants in this matter – the jail itself, and its warden, Defendant Michael Kelly, who Plaintiff alleges “authorized” the conditions without further explanation. (Id. at 4.) Plaintiff does not state that these conditions have ever been discussed with Kelly, only that Plaintiff sought “informal relief” from unnamed supervisory staff members, who did not resolve Plaintiff's issues.

(Id. at 5.) II. LEGAL STANDARD Because Plaintiff shall be granted in forma pauperis status, this Court is required to screen his complaint pursuant to 28 U.S.C. § 1915(e)(2)(B). Pursuant to the statute, this Court must sua sponte dismiss any claim that is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief.

Id. “The legal standard for dismissing a complaint for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) is the same as that for dismissing a complaint pursuant to Federal Rule of Civil Procedure 12(b)(6).” *Schreane v. Seana*, 506 F. App'x 120, 122 (3d Cir. 2012) (citing *Allah v. Seiverling*, 229 F.3d 220, 223 (3d Cir. 2000)).

In deciding a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6), a district court is required to accept as true all factual allegations in the complaint and draw all reasonable inferences from those allegations in the light most favorable to the plaintiff, see *Phillips v. Cnty. of Allegheny*, 515 F.3d 224, 228 (3d Cir. 2008), but need not accept as true legal conclusions couched as factual allegations.

Papasan v. Allain, 478 U.S. 265, 286 (1986). A complaint need not contain “detailed factual allegations” to survive a motion to dismiss, but must contain “more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). A complaint “that offers ‘labels and conclusions’ or ‘a formulaic recitation of the elements of a cause of action will not do,’” and a complaint will not “suffice” if it provides only “‘naked assertion[s]’ devoid of ‘further factual enhancement.’” Id. (quoting *Bell Atlantic v. Twombly*, 550 U.S. 544, 555, 557 (2007)). “To 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.’ Id. (quoting Twombly, 550 U.S. at 570). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” Id. (quoting Twombly, 550 U.S. at 556).

A complaint that provides facts “merely consistent with” the defendant’s liability “stops short of the line between possibility and plausibility” and will not survive review under Rule 12(b)(6). Id. (quoting Twombly, 555 U.S. at 557). While pro se pleadings are to be liberally construed in conducting such an analysis, pro se litigants must still “allege sufficient facts in their complaints to support a claim.” *Mala v. Crown Bay Marina, Inc.*, 704 F.3d 239, 245 (3d Cir.

2013). III. DISCUSSION In this matter, Plaintiff seeks to raise conditions of confinement claims against the jail in which Plaintiff is housed and the warden of that jail pursuant to 42 U.S.C. § 1983. A county jail, however, is not a proper defendant in a civil rights proceeding as it is not considered a separate entity from the municipality which operates the jail.

See *Harris v. Hudson Cnty. Jail*, No. 14- 6284, 2015 WL 1607703, at *5 (D.N.J. April 8, 2015). Plaintiff’s claims against the Atlantic County Justice Facility must therefore be dismissed with prejudice. Plaintiff’s claims against Defendant Kelly also fail to state a claim for which relief may be granted. A defendant in a civil rights proceeding cannot be held liable merely based on his supervisory position, instead he must have personal involvement in the alleged wrongs.

Chavarriaga v. N.J. Dep’t of Corr., 806 F.3d 210, 222 (3d Cir. 2015); *Rode v. Dellarciprete*, 845 F.2d 1195, 1207-08 (3d Cir. 1988). Supervisors are thus generally only liable if they were directly involved in wrongful deeds, had actual knowledge of and acquiesced in the deeds of their subordinates, or they created a policy or custom which was the moving force behind the alleged wrongs.

Chavarriaga, 806 F.3d at 222; see also *Natale v. Camden Cnty. Corr. Facility*, 318 F.3d 575, 583-84 (3d Cir. 2003). Plaintiff’s complaint contains no facts which indicate Kelly’s involvement in the conditions in question beyond a conclusory allegation that Kelly, as warden, must have “authorized” any conditions within the jail. That assertion, however, boils down to a bald assertion of an improper vicarious theory of liability which seeks to hold Kelly liable solely based on his supervisory role.

As Plaintiff has pled no facts which indicate that Kelly was personally involved in the alleged conditions, either through direct action or through adopted policies, Plaintiff fails to state a plausible claim for relief against Kelly. Plaintiff’s claims against Kelly must therefore be dismissed without prejudice for failure to state a claim for which relief may be granted.

IV. CONCLUSION For the reasons expressed above, Plaintiff’s in forma pauperis application (ECF No. 1-1) shall be GRANTED, Plaintiff’s claims against the Atlantic County Justice Facility

shall be DISMISSED WITH PREJUDICE; and Plaintiff's complaint (ECF No. 1) shall be otherwise be DISMISSED WITHOUT PREJUDICE for failure to state a claim for which relief may be granted.

Plaintiff shall be granted leave to file an amended complaint within thirty days. An order consistent with this Opinion will be entered. Date: February 6, 2026 s/ Zahid N. Quraishi ZAHID N. QURAISHI UNITED STATES DISTRICT JUDGE