

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PRECEDENTIAL VALUE	unpublished and nonprecedential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)