

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Rosalee V. Zarrow v. Inglis House, et al.

Zarrow · No. 25-CV-6552 · Decided February 3, 2026

SUMMARY

The Eastern District of Pennsylvania grants Rosalee V. Zarrow leave to proceed in forma pauperis but dismisses her complaint. The court concludes that the defendants were not plausibly alleged to be state actors for purposes of 42 U.S.C. § 1983 and that the complaint failed to state a Title VII hostile work environment claim because it did not allege discrimination based on protected-class status. Claims under 18 U.S.C. § 242 are dismissed with prejudice, while the § 1983, breach-of-contract, and Title VII claims are dismissed without prejudice with leave to amend.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Karen S. Marston
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	February 3, 2026
DOCKET	25-CV-6552
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff filed a civil action under 42 U.S.C. § 1983 and asserted or referenced Title VII, breach-of-contract, and 18 U.S.C. § 242 claims. The court granted leave to proceed in forma pauperis and screened the complaint under 28 U.S.C. § 1915(e)(2)(B)(ii).
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B)(ii), the court applied the same standard used for a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6), accepting well-pleaded factual allegations as true and asking whether the complaint stated a plausible claim for relief. Pro se allegations were liberally construed.
PRECEDENTIAL VALUE	unpublished
PARTIES	Rosalee V. Zarrow v. Inglis House, Annalise Henwood

TOPICS

section 1983

title vii

hostile work environment

civil procedure

motions to dismiss

PRACTICE AREAS

civil rights

employment law

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether the complaint stated a claim under 42 U.S.C. § 1983 where the defendants were a private nursing home and a private resident and the complaint alleged no facts showing state action.
2. Whether the complaint stated a Title VII hostile-work-environment claim where it alleged harassment but did not allege that the harassment was because of membership in a protected class.
3. Whether the complaint stated a breach-of-contract claim where it merely referenced a Pennsylvania statute of limitations and identified breach of contract on the civil cover sheet without alleging a contract or breach.
4. Whether 18 U.S.C. § 242 provides a private right of action.
5. Whether the complaint should be dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii).

HOLDINGS

1. The complaint failed to state a § 1983 claim because Zarrow did not plausibly allege that Inglis House or Henwood acted under color of state law. The § 1983 claims were dismissed without prejudice, with leave to amend.
2. The complaint failed to state a plausible Title VII hostile-work-environment claim because it did not allege that Zarrow was harassed because of membership in a protected class. The Title VII claim against Inglis House was dismissed without prejudice, with leave to amend.
3. The complaint failed to state a breach-of-contract claim because it did not mention a contract, identify contractual obligations, or allege a breach. Any breach-of-contract claim was dismissed without prejudice.
4. 18 U.S.C. § 242 does not create a private right of action. Claims based on § 242 were dismissed with prejudice because that deficiency could not be cured by amendment.

KEY QUOTATIONS

“To state a claim under § 1983, a plaintiff must allege the violation of a right secured by the Constitution and laws of the United States, and must show that the alleged deprivation was committed by a person acting under color of state law.” (at 4)

“Under Title VII, a hostile work environment exists when the workplace is permeated with discriminatory intimidation, ridicule, and insult, that is sufficiently severe or pervasive to alter the conditions of the victim’s employment and create an abusive working environment.” (at 6)

FACTUAL BACKGROUND

Zarrow alleged that she was employed at Inglis House, a nursing home, and that resident Annalise Henwood called her foul names, made allegedly false statements to supervisors that Zarrow had harmed her, and bullied her in an effort to cause Zarrow's termination. Zarrow alleged that Inglis House failed to protect her from abuse, intimidation, and harassment, and that she suffered mental and physical injuries. She sought millions of dollars in damages but did not allege that either defendant acted under color of state law, that the harassment was based on a protected characteristic, or that a contract had been breached.

PROCEDURAL HISTORY

Zarrow alleged that her nursing-home employer failed to protect her from harassment and abuse by resident Annalise Henwood. The court granted in forma pauperis status, struck Zarrow's request for entry of default because the complaint had not been served, and dismissed the complaint for failure to state a claim. The claims premised on 18 U.S.C. § 242 were dismissed with prejudice; the § 1983, breach-of-contract, and Title VII claims were dismissed without prejudice, with leave to amend.

DISPOSITION

dismissed

CASES CITED

- *Tourscher v. McCullough*, 184 F.3d 236, 240 (3d Cir. 1999)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Higgs v. Attorney General*, 655 F.3d 333, 339 (3d Cir. 2011)
- *West v. Atkins*, 487 U.S. 42, 48 (1988)
- *Groman v. Township of Manalapan*, 47 F.3d 628, 638 (3d Cir. 1995)
- *Leshko v. Servis*, 423 F.3d 337, 339 (3d Cir. 2005)
- *Kach v. Hose*, 589 F.3d 626, 646 (3d Cir. 2009)
- *Blum v. Yaretsky*, 457 U.S. 991, 1011 (1982)
- *Schneller v. Crozer Chester Medical Center*, No. 06-0698, 2009 WL 737337, at *6 (E.D. Pa. Mar. 19, 2009)
- *Schneller ex rel. Schneller v. Crozer Chester Medical Center*, 387 F. App'x 289 (3d Cir. 2010)
- *Coulter v. Coulter*, No. 22-1806, 2023 WL 3075044, at *13 (W.D. Pa. Apr. 25, 2023)
- *Coulter v. Coulter*, No. 23-2222, 2024 WL 163081 (3d Cir. Jan. 16, 2024)
- *Starnes v. Butler County Court of Common Pleas*, 50th Jud. Dist., 971 F.3d 416, 428 (3d Cir. 2020)
- *Felder v. Penn Manufacturing Industries, Inc.*, 303 F.R.D. 241, 243 (E.D. Pa. 2014)
- *Robinson v. American Reading Co.*, No. 24-5608, 2025 WL 1243058, at *4 (E.D. Pa. Apr. 29, 2025)
- *Johnson v. Bally's Atlantic City*, 147 F. App'x 284, 285-86 (3d Cir. 2005)
- *Lockard v. Pizza Hut, Inc.*, 162 F.3d 1062, 1074 (10th Cir. 1998)
- *Pryor v. United Air Lines, Inc.*, 791 F.3d 488, 498 (4th Cir. 2015)
- *Jensen v. Potter*, 435 F.3d 444, 449 (3d Cir. 2006)
- *Burlington Northern & Santa Fe Railway Co. v. White*, 548 U.S. 53 (2006)

- Carpenter v. Ashby, 351 F. App'x 684, 688 (3d Cir. 2009)
- Colon-Montanez v. Pennsylvania Healthcare Service Staffs, 530 F. App'x 115, 118 (3d Cir. 2013)

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