

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Molina v. J. Rivello, et al.

Molina · No. No. 3:23-CV-01111 · Decided March 3, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania adopted Magistrate Judge Carlson’s Report and Recommendation on Defendants’ motion for summary judgment in Miguel Molina’s 42 U.S.C. § 1983 retaliation action. The court granted summary judgment on the conspiracy claim and the First Amendment retaliation claim concerning cell transfers, but denied it as to retaliation claims involving restricted housing confinement and a facility transfer.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Matthew W. Brann
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	March 3, 2026
DOCKET	No. 3:23-CV-01111
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending partial grant and partial denial of defendants' motion for summary judgment. Because no timely objections were filed, the district court reviewed the recommendation for clear error and adopted it.
STANDARD OF REVIEW	When no timely objection is made to a magistrate judge's report and recommendation, the district court reviews the recommendation for clear error; the district court may nevertheless accept, reject, or modify the recommendation in whole or in part.
PRECEDENTIAL VALUE	Unknown; district-court order with no reported citation and no stated precedential designation.
PARTIES	Miguel Molina v. J. Rivello, et al.

TOPICS

summary judgment

section 1983

first amendment

civil procedure

PRACTICE AREAS

civil procedure

civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether the district court should review the magistrate judge's Report and Recommendation for clear error when no timely objections were filed.
2. Whether defendants' motion for summary judgment should be granted or denied as to Molina's conspiracy claim and First Amendment retaliation claims concerning cell transfers, restricted-housing confinement, and a facility transfer.

HOLDINGS

1. When no timely objections are filed, the district court reviews the magistrate judge's recommendation for clear error, while retaining authority to accept, reject, or modify the recommendation in whole or in part.
2. Defendants' motion for summary judgment was granted as to Molina's conspiracy claim and his First Amendment retaliation claim relating to cell transfers, but denied as to his First Amendment retaliation claim relating to confinement in the restricted housing unit and facility transfer.

KEY QUOTATIONS

“Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.” (at 1)

“Upon review of the record, the Court finds no error—clear or otherwise—in Magistrate Judge Carlson’s recommendation that the motion for summary judgment be granted in part and denied in part.” (at 2)

FACTUAL BACKGROUND

Miguel Molina alleged that several individuals retaliated against him in response to his filing grievances and complaints. His First Amendment retaliation claims concerned his cell transfers, confinement in a restricted housing unit, and a facility transfer, and he also asserted a conspiracy claim.

PROCEDURAL HISTORY

Molina filed a 42 U.S.C. § 1983 civil-rights complaint alleging retaliation for filing grievances and complaints. Magistrate Judge Martin C. Carlson recommended granting in part and denying in part defendants' motion for summary judgment. The district court found no clear error, adopted the Report and Recommendation, and granted and denied the motion as to specified claims.

DISPOSITION

CASES CITED

- Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA MIGUEL MOLINA, No. 3:23-CV-01111 Plaintiff, (Chief Judge Brann) v. (Magistrate Judge Carlson) J. RIVELLO, et al., Defendants. ORDER MARCH 3, 2026 Miguel Molina filed this 42 U.S.C. § 1983 civil rights complaint alleging that several individuals retaliated against him in retribution for him having filed grievances and complaints.¹ On January 12, 2026, Magistrate Judge Martin C. Carlson issued a Report and Recommendation recommending that this Court grant in part and deny in part Defendants' motion for summary judgment.² No timely objections were filed to this Report and Recommendation.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.³ Regardless of whether objections are made, district courts may accept, reject, or modify—in whole or in part—the 1 Doc. 1. 2 Doc. 67. 3 Fed. R. Civ. P. 72(b), advisory committee notes; see Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir.

1987) (explaining that court should in some manner review recommendations findings or recommendations made by the magistrate judge.⁴ Upon review of the record, the Court finds no error—clear or otherwise—in Magistrate Judge Carlson's recommendation that the motion for summary judgment be granted in part and denied in part. Consequently, IT IS HEREBY ORDERED that: 1.

Magistrate Judge Martin C. Carlson's Report and Recommendation (Doc. 67) is ADOPTED; 2. Defendants' motion for summary judgment (Doc. 49) is GRANTED in part and DENIED in part as follows: A. The motion is granted as to Molina's conspiracy claim and First Amendment retaliation claim as it relates to Molina's cell transfers; B. The motion is denied as to Molina's First Amendment retaliation claim as it relates to confinement in the restricted housing unit and facility transfer.

3. A telephonic status conference shall be scheduled by separate Order. BY THE COURT: s/ Matthew W. Brann Matthew W. Brann Chief United States District Judge 4 28 U.S.C. § 636(b)(1); Local Rule 72.31.