

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Steven Miller v. Eric Tice, et al.

Miller v. Tice · No. 3:24-cv-00100 · Decided December 4, 2025

SUMMARY

The United States District Court for the Western District of Pennsylvania granted the Cumberland County Forensic Lab’s motion to dismiss and granted in part the Corrections Defendants’ motion to dismiss in Steven Miller’s civil-rights action. The court dismissed claims involving conspiracy, retaliation, due process, official-capacity relief, and the Lab, while dismissing without prejudice Miller’s First Amendment access-to-courts claim against Eric Tice and Doug Hockenbury. The court adopted in part the magistrate judge’s Report and Recommendation and allowed Miller until January 5, 2026, to amend the access-to-courts claim.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Stephanie L. Haines
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	December 4, 2025
DOCKET	3:24-cv-00100
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought claims under the First and Fourteenth Amendments and 42 U.S.C. § 1983 against corrections officials and the Cumberland County Forensic Lab. The defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6). After a magistrate judge recommended granting both motions, the district court conducted de novo review, adopted the recommendation in part, and ruled on the parties' objections.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court tests the legal sufficiency of the complaint and accepts well-pleaded factual allegations, but need not accept unsupported inferences or legal conclusions disguised as facts. The complaint must allege facts sufficient to raise a right to relief above the speculative level. Objections to a magistrate judge's report and recommendation were reviewed de novo under 28 U.S.C. § 636(b) (1) and Local Civil Rule 72.D.2.

PRECEDENTIAL VALUE	unpublished
PARTIES	Steven Miller v. Eric Tice, Kevin Turner, Doug Hockenbury, T. Knepper, Cumberland County Forensic Lab

TOPICS

[motions to dismiss](#)
[section 1983](#)
[eleventh amendment immunity](#)
[first amendment](#)
[procedural due process](#)

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Eleventh Amendment immunity barred Miller's claims for monetary damages against the corrections defendants in their official capacities.
2. Whether Miller plausibly alleged a civil-conspiracy claim based on an alleged agreement to falsify drug-testing results and retaliate against him.
3. Whether Miller plausibly alleged First Amendment retaliation based on his grievance concerning the confiscation and opening of his mail.
4. Whether Miller stated a First Amendment access-to-courts claim based on confiscation of attorney mail.
5. Whether the confiscation of mail, denial of access to evidence at the misconduct hearing, and RHU confinement stated Fourteenth Amendment due-process claims.
6. Whether amendment of the complaint would be futile.

HOLDINGS

1. The Eleventh Amendment bars claims for money damages against the corrections defendants in their official capacities because they are state officials or agents of the Commonwealth of Pennsylvania, and Pennsylvania has not waived its immunity from suit in federal court.
2. Miller's claims for declaratory and injunctive relief were properly dismissed because the complaint alleged only past conduct and did not allege continuing, present adverse effects or a certainly impending injury.
3. Miller failed to state a plausible civil-conspiracy claim because he alleged no facts showing an agreement, concerted action, or falsification of the laboratory results; speculation was insufficient.
4. Miller failed to state a plausible First Amendment retaliation claim because, even assuming his grievance was protected activity, he did not plausibly establish causation and the record showed a legitimate penological basis for the misconduct.
5. Miller failed to state an access-to-courts claim on the allegations presented, but the claim against Tice and Hockenbury was dismissed without prejudice so that he could amend to allege that confiscation of

time-sensitive attorney mail caused the loss of a nonfrivolous legal claim and that no other remedy was available.

6. Miller's due-process claims based on confiscation of his mail and related property deprivation failed because meaningful post-deprivation remedies were available and he used the prison grievance process.
7. Miller's due-process claim based on his inability to examine the evidence at the misconduct hearing was not exhausted and therefore could not proceed.
8. Miller failed to state a due-process liberty-interest claim based on his approximately 10-day RHU confinement because he did not allege an atypical and significant hardship compared with ordinary prison life, and his assertion that he had been exonerated was unsupported.
9. Amendment was futile as to the Lab and the individual-capacity conspiracy, retaliation, and due-process claims, but Miller was permitted to amend the access-to-courts claim against Tice and Hockenbury.

KEY QUOTATIONS

“At this stage of litigation, the Court only determines whether Plaintiff has put forth facts under the law that support a plausible claim.” (at 3)

“Still, Plaintiff failed to substantiate his assertion of falsified test results with anything but speculation, which the Court is not bound to accept.” (at 7)

“To establish an access-to-courts claim, a prisoner must allege: (1) an “actual injury” (i.e., a lost opportunity to pursue a nonfrivolous or arguable underlying claim); and (2) that there is no other remedy, save the present civil rights suit, that could compensate for the lost claim.” (at 9)

FACTUAL BACKGROUND

On November 16, 2022, while incarcerated at SCI-Somerset, Miller's attorney mail was confiscated and opened outside his presence after a drug-sniffing dog alerted to it. The mail was sent to the Cumberland County Forensic Lab, which reported positive results for two controlled substances; Turner later issued Miller a misconduct based on the mail, and Knepper found him guilty and imposed, among other sanctions, 90 days in the Restricted Housing Unit. Miller was released from the RHU on February 2, 2023, after asserting that he had been exonerated, but the record did not establish that the misconduct had been dismissed or that the laboratory results were false.

PROCEDURAL HISTORY

Miller alleged that prison officials confiscated and opened attorney mail outside his presence, sent it for drug testing, issued him a misconduct based on the resulting laboratory report, and punished him. The magistrate judge recommended granting both motions to dismiss, allowing amendment of certain claims dismissed without prejudice. The district court adopted the recommendation in part, dismissed the Lab with prejudice, dismissed most claims against the corrections defendants, and allowed amendment of only the First Amendment access-to-courts claim against Tice and Hockenbury.

DISPOSITION

REMAND INSTRUCTIONS

No remand. Miller may file an amended complaint limited to the First Amendment access-to-courts claim against Tice and Hockenbury by January 5, 2026, alleging factual support that the confiscated time-sensitive attorney mail concerned a nonfrivolous legal matter and that he was denied the ability to pursue it.

CASES CITED

- Kost v. Kozakiewicz, 1 F.3d 176, 183 (3d Cir. 1993)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Laskaris v. Thornburgh, 661 F.2d 23 (3d Cir. 1981)
- Mt. Healthy City Board of Education v. Doyle, 429 U.S. 274 (1977)
- Edelman v. Jordan, 415 U.S. 651 (1974)
- Toth v. California University of Pennsylvania, 844 F. Supp. 2d 611, 648 (W.D. Pa. 2012)
- Quern v. Jordan, 440 U.S. 332, 342-45 (1979)
- Brown v. Smith, 2019 WL 2411749 (W.D. Pa. June 7, 2019)
- Gruntal & Co., Inc. v. Steinberg, 837 F. Supp. 85, 89 (D.N.J. 1993)
- Corliss v. O'Brien, 200 F. App'x 80, 84 (3d Cir. 2006)
- Doe v. National Board of Medical Examiners, 210 F. App'x 157, 159-60 (3d Cir. 2006)
- O'Shea v. Littleton, 414 U.S. 488, 495-96 (1974)
- Phillips v. St. Mary's Medical Center, 2013 WL 1124372, at *2 (E.D. Pa. Mar. 19, 2013)
- Lujan v. Defenders of Wildlife, 504 U.S. 555, 564 n.2 (1992)
- Humphries v. Pennsylvania State University, 492 F. Supp. 3d 393, 410-11 (M.D. Pa. 2020)
- California Public Employees' Retirement System v. The Chubb Corp., 394 F.3d 126, 143 (3d Cir. 2004)
- Morse v. Lower Merion School District, 132 F.3d 902, 906 (3d Cir. 1997)
- Muhammad ex rel. J.S. v. Abington Township Police Department, 37 F. Supp. 3d 746, 760 (E.D. Pa. 2014)
- George v. Rehiel, 738 F.3d 562, 585 (3d Cir. 2013)
- Rauser v. Horn, 241 F.3d 330, 333-34 (3d Cir. 2001)
- Turner v. Safley, 482 U.S. 78, 89 (1987)
- Lewis v. Casey, 518 U.S. 343, 346 (1996)
- Monroe v. Beard, 536 F.3d 198, 205 (3d Cir. 2008)
- Watson v. Wingard, 782 F. App'x 214, 217 (3d Cir. 2019)
- Christopher v. Harbury, 536 U.S. 403, 415 (2002)
- Hudson v. Palmer, 468 U.S. 517, 533 (1984)
- Harris v. Wetzel, 822 F. App'x 128, 130 (3d Cir. 2020)

- Tillman v. Lebanon County Correctional Facility, 221 F.3d 410, 412 (3d Cir. 2000)
- Reynolds v. Wagner, 128 F.3d 166, 181 (3d Cir. 1997)
- Spruill v. Gillis, 372 F.3d 218, 222 (3d Cir. 2004)
- Sandin v. Conner, 515 U.S. 472, 484 (1995)
- Hockenberry v. SCI Cambridge Springs/Pennsylvania Department of Corrections, 2019 WL 2270345, at *3 (W.D. Pa. May 28, 2019)

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