

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Mark Julian Bethune v. Correctional Officer Iagavino, et al.

Bethune · No. Civil No. 1:24-CV-01364 · Decided March 10, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania grants Defendant Kevin Wanga’s motion to dismiss an Eighth Amendment deliberate-indifference claim brought by Mark Julian Bethune. The court declines to resolve administrative exhaustion at the motion-to-dismiss stage because the argument relies on materials outside the pleadings, but dismisses the claim with prejudice for failure to adequately allege causation.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Jennifer P. Wilson
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	March 10, 2026
DOCKET	Civil No. 1:24-CV-01364
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Kevin Wanga moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the amended complaint's Eighth Amendment deliberate-indifference claim. The district court declined to consider Wanga's exhaustion argument because it depended on materials outside the pleadings and granted dismissal of the claim for failure to adequately allege causation.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, construes the complaint in the plaintiff's favor, disregards conclusory allegations, and determines whether the remaining facts plausibly show an entitlement to relief. The court also reviews whether conversion to summary judgment is procedurally proper when matters outside the pleadings are presented.
PRECEDENTIAL VALUE	unpublished_or_nonprecedential

PARTIES

Mark Julian Bethune v. Correctional Officer Iagavino, et al., Kevin Wanga

TOPICS

motions to dismiss

prisoners rights

civil rights

civil procedure

PRACTICE AREAS

prisoner civil rights

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QUESTIONS PRESENTED

1. Whether the court could resolve Wanga's administrative-exhaustion defense on a Rule 12(b)(6) motion when the defense relied on materials outside the pleadings and the motion was not converted to one for summary judgment.
2. Whether the amended complaint plausibly alleged that Wanga acted with deliberate indifference under the Eighth Amendment and caused a cognizable harm.

HOLDINGS

1. The court would not decide the exhaustion defense at the Rule 12(b)(6) stage because Wanga relied on materials outside the pleadings, the motion did not include an alternative Rule 56 motion, and the court had not provided notice of conversion.
2. The amended complaint failed to state an Eighth Amendment deliberate-indifference claim against Wanga because it did not adequately allege that Wanga's decision to discharge Bethune to the restricted housing unit caused the later unsanitary conditions or sexual assault, or that Wanga knew of those later risks when he made the discharge decision.

KEY QUOTATIONS

"Therefore, Plaintiff has not adequately alleged that Defendant Wanga's decision to discharge Plaintiff back to the RHU constituted deliberate indifference because she has not alleged that his actions caused her harm."
(Discussion § A.2)

"For the reasons set forth above, the court will grant Defendant Wanga's motion to dismiss the Eighth Amendment claim against him." (Conclusion)

FACTUAL BACKGROUND

Bethune alleged that she was transgender, had psychological trauma and safety concerns, and was placed in cells with inmates who expressed hostility toward homosexuality. After a suicide attempt and psychiatric observation, Bethune alleged that Wanga discharged her to the restricted housing unit despite her statement that she remained suicidal. Bethune alleged later unsanitary housing conditions and a sexual assault, but did not allege that Wanga knew in advance of those conditions, the later cell assignments, or the alleged assailant's propensity for sexual assault.

PROCEDURAL HISTORY

Bethune filed the action in August 2024 and was granted in forma pauperis status. The court screened the original complaint under 28 U.S.C. § 1915(e)(2)(B)(ii), dismissed claims concerning other defendants and events, and permitted claims concerning SCI-Camp Hill to proceed. After Bethune amended the complaint, Wanga filed the present motion to dismiss. The court granted the motion and dismissed the Eighth Amendment claim against Wanga with prejudice.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 556, 570 (2007)
- Garrett v. Wexford Health, 938 F.3d 69, 92 (3d Cir. 2019)
- Bistran v. Levi, 696 F.3d 352, 365 (3d Cir. 2012)
- Mack v. Yost, 968 F.3d 311 (3d Cir. 2020)
- Phillips v. County of Allegheny, 515 F.3d 224, 233, 245 (3d Cir. 2008)
- Pinker v. Roche Holdings, Ltd., 292 F.3d 361, 374 n.7 (3d Cir. 2002)
- Mayer v. Belichick, 605 F.3d 223, 230 (3d Cir. 2010)
- Pension Benefit Guar. Corp. v. White Consol. Indus., Inc., 998 F.2d 1192, 1196 (3d Cir. 1993)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Fantone v. Latini, 780 F.3d 184, 193 (3d Cir. 2015), as amended (Mar. 24, 2015)
- Est. of Lagano v. Bergen Cnty. Prosecutor's Off., 769 F.3d 850, 861 (3d Cir. 2014)
- Grayson v. Mayview State Hosp., 293 F.3d 103, 106 (3d Cir. 2002)
- Ross v. Blake, 578 U.S. 632, 639, 642–44 (2016)
- Woodford v. Ngo, 548 U.S. 81, 85 (2006)
- Rinaldi v. United States, 904 F.3d 257, 266–67 (3d Cir. 2018)
- Robinson v. Superintendent Rockview SCI, 831 F.3d 148, 154 (3d Cir. 2016)
- Small v. Camden Cnty., 728 F.3d 265, 269, 271 (3d Cir. 2013)
- Drippe v. Tobelinski, 604 F.3d 778, 781 (3d Cir. 2010)
- Pavey v. Conley, 544 F.3d 739, 741 (7th Cir. 2008)
- Wilkerson v. United States, No. 3:13-1499, 2014 WL 1653249, at *9 (M.D. Pa. Apr. 24, 2014)
- Rose v. Bartle, 871 F.2d 331, 342 (3d Cir. 1989)
- Latham v. U.S., 306 F. App'x 716, 718 (3d Cir. 2009)
- Byrd v. Shannon, No. 1:09-CV-1551, 2010 WL 5889519, at *4 (M.D. Pa. Nov. 24, 2010)
- Inmates of Allegheny County Jail v. Pierce, 612 F.2d 754, 762 (3d Cir. 1979)
- White v. Napoleon, 897 F.2d 103, 110 (3d Cir. 1990)

- Monmouth Cnty. Corr. Inst'l Inmates v. Lanzaro, 834 F.2d 326, 346, 346–47 (3d Cir. 1987)
- Farmer v. Brennan, 511 U.S. 825, 837 (1994)

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