

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Mario Orosco v. County of Dauphin, et al.

No. 1:25-CV-01603 (M.D. Pa. Dec. 17, 2025) · No. 1:25-CV-01603 · Decided December 17, 2025

SUMMARY

The United States District Court for the Middle District of Pennsylvania screened Mario Orosco’s amended pro se complaint under 28 U.S.C. § 1915(e)(2). The court found the allegations concerning his arrest, imprisonment, defendants, venue, acquittal, and applicable legal claims insufficiently specific or internally inconsistent, and granted him another opportunity to amend. The court denied his motion for appointment of counsel without prejudice and required a second amended complaint by December 31, 2025.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Sean A. Camoni
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	December 17, 2025
DOCKET	1:25-CV-01603
DISPOSITION	other
PROCEDURAL POSTURE	After granting the pro se plaintiff leave to proceed in forma pauperis and leave to amend, the court screened his amended complaint under 28 U.S.C. § 1915(e)(2), found it deficient, denied his motion for appointment of counsel without prejudice, and granted another opportunity to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court must screen an in forma pauperis complaint and dismiss it if it is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The court applies the Rule 12(b)(6) standard, accepts well-pleaded factual allegations as true, disregards conclusory allegations, and determines whether the remaining facts plausibly establish entitlement to relief. Pro se pleadings are liberally construed but must still allege sufficient facts to support a claim.
PRECEDENTIAL VALUE	unpublished

PARTIES

Mario Orosco v. County of Dauphin, et al.

TOPICS

motions to dismiss

pleadings

civil procedure

section 1983

statute of limitations

PRACTICE AREAS

Federal civil procedure

Civil rights litigation

Section 1983 litigation

Pleading and screening of in forma pauperis complaints

False arrest and imprisonment

QUESTIONS PRESENTED

1. Whether the amended complaint stated a cognizable constitutional claim under the screening standard of 28 U.S.C. § 1915(e)(2).
2. Whether the complaint's contradictory and incomplete allegations concerning the arrest warrant, arresting agency, defendants, criminal charges, acquittal, and release date were sufficient to state a plausible claim for relief.
3. Whether the plaintiff should receive another opportunity to amend the complaint.
4. Whether appointment of counsel was appropriate before the plaintiff stated a cognizable claim.

HOLDINGS

1. A court screening a pro se complaint under 28 U.S.C. § 1915(e)(2) applies the same plausibility standard used to evaluate a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). A complaint must allege sufficient factual matter, beyond labels, conclusions, or speculation, to state a plausible entitlement to relief.
2. The amended complaint did not state a cognizable claim because its allegations were self-contradictory, failed to identify the relevant jurisdiction and criminal charges, did not connect the named defendants to the alleged arrest, and omitted facts material to potential statute-of-limitations issues.
3. The plaintiff was granted another opportunity to file a second amended complaint correcting the identified deficiencies, with the warning that failure to do so by December 31, 2025, could result in dismissal.
4. The motion for appointment of counsel was denied without prejudice as premature because the plaintiff had not yet alleged claims cognizable by the court.

KEY QUOTATIONS

“A complaint filed by a pro se litigant is to be liberally construed and “however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.”” (II. LEGAL STANDARD)

“Because the Plaintiff fails to state a cognizable constitutional violation and states insufficient facts for which relief can be granted, the Court grants another opportunity for the Plaintiff to amend his complaint.” (IV. ANALYSIS)

“The amended complaint will completely replace the original complaint, therefore if the Plaintiff chooses to file an amended complaint, the original complaint will have no role in the future of this case.” (V. ORDER)

FACTUAL BACKGROUND

Orosco alleged that on December 4, 2020, DeSoto County police stopped and arrested him for a Dauphin County warrant, searched him without consent, and accused him of drug-related offenses. He alleged that he did not match the description of the suspect, was imprisoned for thirty-six months, and was acquitted, but did not identify the charged crimes, the place of prosecution, or his release date. He sought damages for false arrest and imprisonment and named Dauphin County, the Susquehanna County Police Department, and several individuals as defendants, without clearly alleging that those defendants participated in the arrest.

PROCEDURAL HISTORY

Orosco filed the action and moved to proceed in forma pauperis on August 27, 2025. The court granted IFP status but found the original complaint deficient and granted leave to amend. Orosco filed an amended complaint on November 19, 2025, alleging constitutional violations arising from a 2020 arrest and imprisonment. Upon screening, the court found the allegations incoherent and insufficient, directed him to file a second amended complaint by December 31, 2025, and held service in abeyance.

DISPOSITION

other

CASES CITED

- Fowler v. UPMC Shadyside, 578 F.3d 203, 209–10, 211 (3d Cir. 2009)
- Iqbal, 129 S.Ct. at 1947, 1950
- Santiago v. Warminster Twp., 629 F.3d 121, 130 (3d Cir. 2010)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Mala v. Crown Bay Marina, Inc., 704 F.3d 239, 245 (3d Cir. 2013)