

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Cynthia L. Pollick v. Lackawanna County Prison, et al.

Pollick v. Lackawanna County Prison · No. 1:26-CV-642 · Decided March 30, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania denied Cynthia L. Pollick’s motion to recuse all judges of the district. The court dismissed her § 1983 complaint without prejudice because the requested relief was habeas in nature, the claims were moot or unexhausted to the extent construed as a habeas petition, and the disciplinary sanction did not implicate a protected due-process interest. The court granted in forma pauperis status and denied leave to amend as futile.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Keli M. Neary
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	March 30, 2026
DOCKET	1:26-CV-642
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a prisoner civil-rights complaint under 42 U.S.C. § 1983, moved to proceed in forma pauperis, and moved to recuse all judges of the district. The district court denied recusal, granted in forma pauperis status, screened the complaint, and dismissed it without prejudice without leave to amend.
STANDARD OF REVIEW	On screening under 28 U.S.C. §§ 1915(e)(2) and 1915A, the court applied the Rule 12(b)(6) standard, accepting factual allegations as true, construing the complaint in the plaintiff's favor, disregarding unsupported legal conclusions, and determining whether the facts stated a plausible claim for relief. Recusal was evaluated under whether the judge's impartiality could reasonably be questioned.
PRECEDENTIAL VALUE	unpublished

TOPICS

- federal habeas corpus
- prisoners rights
- section 1983
- due process
- motions to dismiss

PRACTICE AREAS

prisoner civil rights

federal habeas corpus

federal civil procedure

constitutional due process

QUESTIONS PRESENTED

1. Whether the district judge and all judges of the Middle District of Pennsylvania were required to recuse themselves based on a prior disciplinary proceeding involving Pollick.
2. Whether Pollick's requests for release from custody and invalidation of a misconduct charge were cognizable under 42 U.S.C. § 1983 or instead had to be pursued through habeas corpus.
3. Whether any habeas claim was subject to dismissal as moot and for failure to exhaust state-court remedies.
4. Whether a fourteen-day disciplinary-custody sanction constituted an atypical and significant hardship supporting a due-process claim.
5. Whether the complaint should be dismissed without leave to amend because amendment would be futile.

HOLDINGS

1. Recusal of the undersigned judge was not warranted because the judge had not participated in Pollick's prior disciplinary proceeding or any earlier disciplinary complaints against her, and there was no basis to question the judge's impartiality.
2. A request for release from imprisonment and invalidation of a disciplinary charge challenges the fact or duration of custody and must be pursued through a petition for writ of habeas corpus rather than a civil-rights action under § 1983.
3. To the extent the complaint could be construed as a habeas petition, the claim was moot because Pollick had been released from custody.
4. Any habeas claim was also subject to dismissal because Pollick had not exhausted available state-court remedies and had not demonstrated extraordinary circumstances excusing exhaustion.
5. A fourteen-day period of disciplinary custody, as alleged, was not an atypical and significant hardship sufficient to support a due-process claim.
6. Leave to amend was properly denied as futile because the complaint did not assert any cognizable civil-rights claim.

KEY QUOTATIONS

“[W]hen a state prisoner is challenging the very fact or duration of his physical imprisonment, and the relief he seeks is a determination that he is entitled to immediate release or a speedier release from that imprisonment, his sole federal remedy is a writ of habeas corpus.” (500)

“Before dismissing a civil rights complaint for failure to state a claim, courts must permit a curative amendment unless the amendment would be inequitable or futile.”

FACTUAL BACKGROUND

Pollick alleged that police arrested her at her home and transported her to Lackawanna County Prison, where she claimed she experienced restrictions on water, showers, movement, and access to a public-defender application. She alleged that prison officials imposed fourteen days of disciplinary custody after she refused to leave her cell for a preliminary hearing. Her complaint sought release from custody and invalidation of the disciplinary charge, but she later informed the court that she had been released.

PROCEDURAL HISTORY

Pollick filed the action on March 13, 2026, seeking release from Lackawanna County Prison and invalidation of a disciplinary charge. She subsequently reported that she had been released from custody and moved for recusal based on a prior disciplinary proceeding in the district. The court denied recusal, conducted screening under 28 U.S.C. §§ 1915(e)(2) and 1915A, dismissed the complaint without prejudice because the requested relief was habeas in nature, any habeas claim was moot and unexhausted, and the remaining due-process theory was not cognizable. Leave to amend was denied as futile.

DISPOSITION

dismissed

CASES CITED

- Coward v. City of Philadelphia, 546 F. Supp. 3d 331, 333 (E.D. Pa. 2021)
- Smith v. Delaware, 236 F. Supp. 3d 882, 886 (D. Del. 2017)
- Phillips v. County of Allegheny, 515 F.3d 224, 232-33, 245 (3d Cir. 2008)
- Pinker v. Roche Holdings, Ltd., 292 F.3d 361, 374 n.7 (3d Cir. 2002)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 556 (2007)
- Santiago v. Warminster Township, 629 F.3d 121, 130-32 (3d Cir. 2010)
- Ashcroft v. Iqbal, 556 U.S. 662, 675, 678-79 (2009)
- Fowler v. UPMC Shadyside, 578 F.3d 203, 210-11 (3d Cir. 2009)
- Sause v. Bauer, 585 U.S. 957, 960 (2018)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Preiser v. Rodriguez, 411 U.S. 475, 500 (1973)
- Moore v. DeYoung, 515 F.2d 437, 443 (3d Cir. 1975)
- Braden v. 30th Judicial Cir. Ct. of Kentucky, 410 U.S. 484 (1973)
- Sandin v. Conner, 515 U.S. 472, 486 (1995)