

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Joslyn Dallas v. Thomas Assenmacher et al.

Dallas v. Assenmacher · No. No. 24-1882 · Decided February 23, 2026

SUMMARY

The United States District Court for the Eastern District of Pennsylvania grants in part and denies in part Defendants’ motion for judgment on the pleadings in Joslyn Dallas’s § 1983 action arising from her removal from a SEPTA bus and subsequent tasing. The court dismisses the conspiracy, false arrest, assault and battery claims with prejudice, finding insufficient conspiracy allegations and probable cause for arrest based on defiant trespass. The court dismisses the Monell claim against SEPTA without prejudice and grants leave to amend, while noting that the excessive force claims against the individual officers were not challenged.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	R. Barclay Surrick
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	February 23, 2026
DOCKET	No. 24-1882
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought claims under 42 U.S.C. § 1983 for excessive force, conspiracy, false arrest, and municipal liability, along with state-law assault and battery claims. Defendants moved under Federal Rule of Civil Procedure 12(c) for judgment on the pleadings as to the conspiracy, false arrest, assault and battery, and Monell claims.
STANDARD OF REVIEW	A Rule 12(c) motion is reviewed under the same standard as a Rule 12(b)(6) motion. The court accepts well-pleaded factual allegations as true, disregards legal conclusions, and determines whether the alleged facts plausibly show an entitlement to relief.
PRECEDENTIAL VALUE	Nonprecedential district court memorandum and order
PARTIES	Joslyn Dallas v. Thomas Assenmacher, Michael Sylvester, Brandon Maxwell, Southeastern Pennsylvania Transportation Authority

TOPICS

motion for judgment on the pleadings

section 1983

municipal liability

police misconduct

civil procedure

PRACTICE AREAS

civil procedure

civil rights

constitutional law

municipal liability

torts

QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged a conspiracy under 42 U.S.C. § 1983 based on the officers' coordinated conduct during the arrest.
2. Whether the complaint plausibly alleged a § 1983 false-arrest claim where the officers allegedly had probable cause to arrest Dallas for defiant trespass.
3. Whether the assault and battery claims should be dismissed where Plaintiff did not oppose dismissal.
4. Whether the complaint plausibly alleged municipal liability against SEPTA under Monell based on an unconstitutional policy or custom or failure to train, supervise, or discipline.

HOLDINGS

1. The complaint did not plausibly allege a conspiracy because the allegation that two officers obeyed a sergeant's command during a violent altercation, without more, did not establish an agreement, understanding, or meeting of the minds to violate Plaintiff's constitutional rights.
2. The false-arrest claims failed because the facts alleged in the complaint established probable cause to arrest Dallas for defiant trespass as a matter of law.
3. The assault and battery claims were dismissed because Plaintiff did not oppose their dismissal.
4. The complaint did not plausibly allege that an unconstitutional SEPTA policy or custom, or a deliberately indifferent failure to train, supervise, or discipline, was the moving force behind the alleged constitutional injury.

KEY QUOTATIONS

“Here, the alleged fact that two officers obeyed a command given by a sergeant during a violent altercation, without more, does not amount to a sufficient showing of an agreement or understanding among conspirators to substantiate a plausible conspiracy.”

“Given that the Plaintiff acknowledges that she was repeatedly told by officers to leave the bus yet chose to remain, a jury could not reasonably find that probable cause did not exist to arrest Plaintiff for defiant trespass.”

“Because Plaintiff fails to provide any such facts that could raise her allegations from possible to plausible, her Monell claim cannot proceed.”

FACTUAL BACKGROUND

Dallas allegedly paid only part of a bus fare and remained seated after Officer Assenmacher told her to leave the bus. Officers Assenmacher and Sylvester forcibly removed her, and Sergeant Maxwell allegedly tased her after she continued to resist and/or flee. Dallas alleged physical and psychological injuries and asserted that SEPTA maintained unconstitutional use-of-force and passenger-nonpayment policies and failed to train, supervise, or discipline its officers.

PROCEDURAL HISTORY

Dallas alleged that SEPTA police officers forcibly removed her from a bus and that Sergeant Maxwell later tased her. Defendants moved for judgment on the pleadings. The court granted dismissal with prejudice as to the conspiracy, false arrest, assault, and battery counts, and dismissed the Monell claim without prejudice while granting leave to amend.

DISPOSITION

other

CASES CITED

- *Wolffington v. Reconstructive Orthopaedic Associates II PC*, 935 F.3d 187, 195 (3d Cir. 2019)
- *Revell v. Port Authority of New York & New Jersey*, 598 F.3d 128, 134 (3d Cir. 2010)
- *Fowler v. UPMC Shadyside*, 578 F.3d 203, 210–11 (3d Cir. 2009)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678–79 (2009)
- *Kelleher v. City of Reading*, No. 01-3386, 2002 WL 1067442, at *7 (E.D. Pa. May 29, 2002)
- *Miller v. Goggin*, 672 F. Supp. 3d 14, 53 (E.D. Pa. 2023)
- *Gale v. Storti*, 608 F. Supp. 2d 629, 635 (E.D. Pa. 2009)
- *Groman v. Township of Manalapan*, 47 F.3d 628, 634 (3d Cir. 1995)
- *Orsatti v. New Jersey State Police*, 71 F.3d 480, 483 (3d Cir. 1995)
- *Estate of Smith v. Marasco*, 318 F.3d 497, 514 (3d Cir. 2003)
- *Sherwood v. Mulvihill*, 113 F.3d 396, 401 (3d Cir. 1997)
- *Bordenkircher v. Hayes*, 434 U.S. 357, 364 (1978)
- *Fullman v. City of Philadelphia*, No. 22-4282, 2023 WL 6881040 (E.D. Pa. Oct. 17, 2023)
- *Fullman v. City of Philadelphia*, No. 23-3073, 2024 WL 1637550 (3d Cir. Apr. 16, 2024)
- *Egolf v. Witmer*, 421 F. Supp. 2d 858, 867 (E.D. Pa. 2006)
- *Egolf v. Witmer*, 526 F.3d 104 (3d Cir. 2008)
- *Barna v. City of Perth Amboy*, 42 F.3d 809, 819 (3d Cir. 1994)
- *Rivera-Guadalupe v. City of Harrisburg*, 124 F.4th 295, 303 (3d Cir. 2024)
- *Commonwealth v. Downing*, 511 A.2d 792, 793–94 (Pa. 1986)
- *Commonwealth v. Bettis*, 347 A.3d 779, 787–88 (Pa. Super. 2025)
- *Feldman v. Community College of Allegheny*, 85 F. App'x 821, 825–26 (3d Cir. 2004)
- *Board of County Commissioners of Bryan County, Oklahoma v. Brown*, 520 U.S. 397, 400 (1997)

- Monell v. Department of Social Services of City of New York, 436 U.S. 658, 694 (1978)
- Forrest v. Parry, 930 F.3d 93, 105–06 (3d Cir. 2019)
- Brown v. SEPTA, 539 F. App'x 25, 27 (3d Cir. 2013)
- Wood v. Williams, 568 F. App'x 100, 104 (3d Cir. 2014)
- 3909 Realty LLC v. City of Philadelphia, No. 21-0030, 2021 WL 2342929, at *4 (E.D. Pa. June 8, 2021)
- Godson v. City of Philadelphia, No. 24-6461, 2025 WL 757101, at *9–10 (E.D. Pa. Mar. 10, 2025)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Beers v. County of Northumberland, No. 23-2555, 2024 WL 2874283, at *2 (3d Cir. June 7, 2024)
- Keahey v. Bethel Township, Pennsylvania, No. 11-7210, 2012 WL 478936 (E.D. Pa. Feb. 15, 2012)
- Estate of Arrington v. Michael, No. 11-4534, 2012 WL 398765 (E.D. Pa. Feb. 8, 2012)

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