

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

James Nero v. Nurse Barna, et al.

No. 4:25-CV-02412 (M.D. Pa. Apr. 3, 2026) · No. 4:25-CV-02412 · Decided April 3, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania dismissed James Nero’s Bivens lawsuit with prejudice under 28 U.S.C. § 1915A(b)(1) for failure to state a claim. The court dismissed his motion for injunctive relief as moot and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Matthew W. Brann
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	April 3, 2026
DOCKET	4:25-CV-02412
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court screened Plaintiff’s Bivens lawsuit under 28 U.S.C. § 1915A and considered Plaintiff’s motion for injunctive relief.
STANDARD OF REVIEW	Statutory screening under 28 U.S.C. § 1915A(b)(1); a complaint may be dismissed for failure to state a claim upon which relief may be granted. For injunctive relief, likelihood of success on the merits is a threshold requirement.
PRECEDENTIAL VALUE	unpublished
PARTIES	James Nero v. Nurse Barna, et al.

TOPICS

- prisoners rights
- civil rights
- injunctions
- pleadings
- civil procedure

PRACTICE AREAS

- civil rights
- prisoner litigation
- federal pleading and screening
- equitable relief

QUESTIONS PRESENTED

1. Whether Plaintiff's Bivens lawsuit stated a claim upon which relief may be granted under 28 U.S.C. § 1915A(b)(1).
2. Whether Plaintiff's motion for injunctive relief should be dismissed as moot after dismissal of the underlying lawsuit.

HOLDINGS

1. Plaintiff's Bivens lawsuit was dismissed with prejudice under 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted.
2. The motion for injunctive relief was dismissed as moot because the underlying Bivens lawsuit was dismissed.

KEY QUOTATIONS

“Plaintiff’s Bivens lawsuit is DISMISSED with prejudice pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted.” (Order ¶ 1)

FACTUAL BACKGROUND

The opinion identifies Plaintiff as James Nero and the defendants as Nurse Barna and others. Plaintiff asserted Bivens claims and sought injunctive relief, but the court dismissed the action for failure to state a claim.

PROCEDURAL HISTORY

Plaintiff filed a Bivens action and moved for injunctive relief. The district court dismissed the lawsuit with prejudice for failure to state a claim, dismissed the injunction motion as moot, and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Reilly v. City of Harrisburg, 858 F.3d 173, 179

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA JAMES NERO, No. 4:25-CV-02412 Plaintiff, (Chief Judge Brann) v. NURSE BARN, et al., Defendants. ORDER AND NOW, this 3rd day of April 2026, in accordance with the accompanying Memorandum, IT IS HEREBY ORDERED that: 1. Plaintiff’s Bivens lawsuit is DISMISSED with prejudice pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted.

2. Plaintiff's motion for injunctive relief (Doc. 10) is DISMISSED as moot in light of paragraph 1 above.¹ 3. The Clerk of Court is directed to CLOSE this case. BY THE COURT: s/ Matthew W. Brann Matthew W. Brann Chief United States District Judge 1 The motion for injunctive relief, if considered on the merits, would be denied. Plaintiff's Bivens claims do not have a "likelihood of success on the merits," which is a threshold requirement for injunctive relief.

See *Reilly v. City of Harrisburg*, 858 F.3d 173, 179 (3d Cir.