

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Juwan Evrick Mitchell v. CO Mushgard, SCI-Forest; Sgt. Blair, SCI-Forest; and CO Cull, SCI-Forest

Mitchell v. Mushgard · No. 1:25-CV-00312-RAL · Decided April 15, 2026

SUMMARY

This Report and Recommendation addresses a pro se prisoner’s 42 U.S.C. § 1983 excessive-force claims against correctional officers and SCI-Forest. The court recommends dismissal under 28 U.S.C. § 1915(e) for failure to state a claim because the amended complaint does not identify each defendant’s personal involvement, while recommending that the plaintiff receive a final opportunity to amend. The parties were advised that objections must be filed within fourteen days.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Richard A. Lanzillo
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	April 15, 2026
DOCKET	1:25-CV-00312-RAL
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on screening of a prisoner's amended pro se civil-rights complaint filed in forma pauperis under 28 U.S.C. § 1915(e).
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court must dismiss an in forma pauperis action that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. Failure to state a claim is evaluated under the Rule 12(b)(6) standard, accepting allegations as true and construing a pro se pleading liberally.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Juwan Evrick Mitchell v. CO Mushgard, SCI-Forest, Sgt. Blair, SCI-Forest, CO Cull, SCI-Forest

TOPICS

section 1983

prisoners rights

civil rights

motions to dismiss

pleadings

PRACTICE AREAS

prisoner civil rights

constitutional torts

federal civil procedure

QUESTIONS PRESENTED

1. Whether the amended complaint stated a claim under 42 U.S.C. § 1983 by alleging each defendant's personal involvement in the alleged excessive-force incident.
2. Whether the amended complaint stated an Eighth Amendment excessive-force claim despite referring only generally and collectively to unnamed officers or defendants.
3. Whether dismissal under 28 U.S.C. § 1915(e)(2) should be accompanied by a final opportunity to amend.

HOLDINGS

1. A plaintiff alleging constitutional violations by multiple defendants must identify each defendant's personal involvement and describe the affirmative conduct or omission attributable to that defendant; collective references to officers or defendants are insufficient.
2. An inmate asserting an excessive-force claim must allege facts showing that each defendant used force maliciously and sadistically for the purpose of causing harm, rather than in a good-faith effort to maintain or restore discipline.
3. An in forma pauperis action that fails to state a claim must be dismissed during statutory screening under 28 U.S.C. § 1915(e)(2).

KEY QUOTATIONS

“Broad allegations that the “officers” or “Defendants” collectively used excessive force is not enough.”
(Analysis, section C)

“At minimum, Mitchell must identify by name who physically assaulted him and describe the actions of each Defendant to the extent he is able to do so.” (Analysis, section C)

FACTUAL BACKGROUND

Mitchell, an inmate at SCI-Forest, alleged that officers entered his cell on August 24, 2025, beat him, chipped his tooth, and struck him in the head several times. His amended complaint named CO Mushgard, Blair, and Call but did not identify which defendant participated in the alleged assault or describe any defendant's individual conduct. It also did not describe the circumstances precipitating the use of force or identify any defendant who may have failed to intervene.

PROCEDURAL HISTORY

Mitchell initiated a § 1983 action alleging that prison officers assaulted him. After granting leave to proceed in forma pauperis, the court advised him to identify each defendant's personal involvement and allowed him to

amend. Mitchell filed an amended complaint naming CO Mushgard, Blair, and Call, but alleged only that unidentified officers collectively entered his cell and beat him. The magistrate judge recommended dismissal for failure to state a claim while granting a final opportunity to amend; the parties were advised of their rights to object under Federal Rule of Civil Procedure 72.

DISPOSITION

other

CASES CITED

- Muchler v. Greenwald, 624 Fed. Appx. 794, 796-97 (3d Cir. 2015)
- Neitzke v. Williams, 490 U.S. 319, 327 (1989)
- Agostino v. CECOM RDEC, 436 Fed. Appx. 70, 72 (3d Cir. 2011)
- Tourscher v. McCullough, 184 F.3d 236, 240 (3d Cir. 1999)
- Haines v. Kerner, 404 U.S. 519, 520-21 (1972)
- Gibbs v. Roman, 116 F.3d 83 (3d Cir. 1997)
- Mark v. Borough of Hatboro, 51 F.3d 1137, 1141 (8d Cir. 1995)
- Kirk v. Roan, 2006 WL 2645154, at *3 (M.D. Pa. 2006)
- Evancho v. Fischer, 423 F.3d 347, 353 (3d Cir. 2006)
- Ashcroft v. Iqbal, 556 U.S. 667 (2009)
- Whitley v. Albers, 475 U.S. 312, 320-21 (1986)
- Hudson v. McMillian, 503 U.S. 1, 6 (1992)
- Johnson v. Glick, 481 F.2d 1028, 1033 (2d Cir. 1973)
- Giles, 571 F.3d at 328
- Maitland v. Bush, 2026 WL 688302, at *2 (E.D. Pa. Mar. 11, 2026)
- Hudson v. City of McKeesport, 244 Fed. Appx. 519 (3d Cir. 2007)
- Brightwell v. Lehman, 687 F.3d 187, 193 n.7 (3d Cir. 2012)
- Nara v. Frank, 488 F.3d 187 (3d Cir. 2007)

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