

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA**

Santanyo Lewis v. Dr. Laurel R. Harry et al.

Lewis · No. 2:25cv1010 · Decided March 18, 2026

OPINION

FOR THE WESTERN DISTRICT OF PENNSYLVANIA SANTANYO LEWIS,)) Plaintiff,)) v.
) 2:25cv1010) Electronic Filing DR. LAUREL R. HARRY Secretary of) corrections, MICHEAL
WENEROWICS) Executive secretary of corrections,) CHRISTOPHER OPPMAN Deputy)
secretary of administration, ERICA) BENNINGS Bureau of health care services) director,
MICHAEL ZAKEN Facility) manager, MARK DIALESANDRO) Deputy superintendent of
centralized) services, JOHN DOE Chief of clinical) services, K. PATTERSON Business office)
manager, ROSS SMITH Corrections) healthcare administrator, JOHN DOE) Medical records
director, JANE DOE) Medical records technician, JENNIFER) BEERS Nurse,)) Defendants.)
MEMORANDUM ORDER Plaintiff Santanyo Lewis ("Plaintiff") commenced this prisoner civil
rights action on July 18, 2025, pursuant to a motion to proceed in forma pauperis.

The case was referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings
in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court
72.C and 72.D. The Magistrate Judge's Report and Recommendation (ECF No. 23) filed on
February 18, 2026, recommended pursuant to 28 U.S.C. § 1915(e)(2) that [18] plaintiff's Amended
Complaint be dismissed as frivolous, malicious, and/or for failure to state a claim upon which
relief may be treatment at SCI-Coal Township; and that all other claims be dismissed with
prejudice.

Plaintiff was informed that objections to the Report and Recommendation were due by March 9,
2026. In response, plaintiff filed a motion for an extension of time, advising that he had submitted
a proposed Second Amended Complaint, which was placed in the prison mail box on March 3,
2026.

The motion sought an extension "until this court receives [plaintiff's] Proposed Second Amended
Complaint," a tactic which plaintiff employed when faced with the first Report and
Recommendation on these matters. He also submitted a motion for leave to file a Second
Amended Complaint, which was received on the same date as the motion to extend.

The motion for leave to file presents the Second Amended Complaint for the court's consideration.
The court has treated these submissions as a motion for leave to amend and as objections to the
pending Report and Recommendation based on the new averments in the proposed Second
Amended Complaint. Plaintiff's objections are unavailing.

Although plaintiff seeks to bolster his allegations against defendant Nurse Beers for failing to complete his transfer form properly, these allegations are not sufficient to overcome the fact that Nurse Beers essentially just followed the progress notes prepared by Dr. Chang and there is nothing in plaintiff's allegations or the accompanying records to establish that doing so was unreasonable or inappropriate.

Moreover, any Eight Amendment claim against Nurse Beers for delayed treatment due to the transfer checklist is precluded by the fact that the screening nurse at SCI Coal Township, Mark Solkowski, reviewed plaintiff's medical records, including the allegedly abnormal test results, and decided not to refer those records to his superior for preparation of a treatment plan.

As noted by the Magistrate Judge, "any delay in Plaintiff's treatment at SCI-Coal Township was 2 Recommendation (Doc. No. 23) at p. 18. Finally, plaintiff's efforts to overcome the lack of personal involvement by many of the defendants for failure to supervise and/or review adequately the conduct of others fall short for the same reasons set forth in the Report and Recommendation.

And to the extent the allegations can creatively be construed as overcoming this deficiency, they still fail because plaintiff was under the care of a physician. *Id.* at p. 13 (citing *Durmer v. O'Carroll*, 991 F.2d 64, 69 (3d Cir. 1993)).

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered: AND NOW, this 18th day of March, 2026, IT IS ORDERED that [24] plaintiff's motion to extend time to submit a Second Amended Complaint be, and the same hereby is, granted; IT FURTHER IS ORDERED that [25] plaintiff's motion for leave to file a Second Amended Complaint be, and the same hereby is, granted; IT IS FURTHER ORDERED that upon due consideration of [25-1] plaintiff's Second Amended Complaint, which the court also has construed as plaintiff's objections to [23] the Magistrate Judge's Report and Recommendation of February 18, 2026, [25-1] the Second Amended Complaint be, and the same hereby is, dismissed pursuant to 28 U.S.C. § 1915(e)(2) as frivolous, malicious, and/or for failure to state a claim upon which relief may be granted.

This ruling is without prejudice to plaintiff asserting claims against a proper defendant or defendants in the Middle District of Pennsylvania related to his current medical treatment at SCI-Coal Township. All other claims are dismissed with prejudice; 3 FURTHER Temporary Restraining Order be, and the same hereby is, denied without prejudice to seeking injunctive relief in the Middle District of Pennsylvania, if appropriate, and otherwise dismissed with prejudice.

The [23] Report and Recommendation of Magistrate Judge Kelly dated February 18, 2026, as augmented above is adopted as the opinion of the Court. s/David Stewart Cercone David Stewart Cercone Senior United States District Judge cc: The Honorable Maureen P. Kelly United States

Magistrate Judge (Via CM/ECF electronic mail) Santanyo Lewis QB8957 SCI Coal Township 1
Kelley Drive Coal Township, PA 17866 (Via United States Postal Service mail) 4

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