

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Maurice Treakle v. Frederick J. Nahas, et al.

Civil Action No. 25-14846 (RMB-MJS) · No. 1:25-cv-14846 · Decided February 5, 2026

SUMMARY

The United States District Court for the District of New Jersey grants Maurice Treakle’s application to proceed in forma pauperis but screens and dismisses his Eighth Amendment deliberate-indifference claims without prejudice. The court finds that the complaint does not adequately allege that Dr. Nahas was a state actor or that the institutional defendants knowingly disregarded Treakle’s serious medical needs. The court also denies Treakle’s motion for appointment of counsel without prejudice.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Renée Marie Bumb
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	February 5, 2026
DOCKET	1:25-cv-14846
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se prisoner filed a civil-rights complaint under 42 U.S.C. § 1983, an application to proceed in forma pauperis, and a motion for appointment of counsel. The district court granted in forma pauperis status, screened the complaint under 28 U.S.C. § 1915(e)(2)(B), dismissed the claims without prejudice for failure to state a claim, and denied appointment of counsel without prejudice.
STANDARD OF REVIEW	The court applied the Rule 12(b)(6) plausibility standard during screening under 28 U.S.C. § 1915(e)(2)(B)(ii), accepting well-pleaded factual allegations as true and liberally construing the pro se complaint.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion

TOPICS

- section 1983
- prisoners rights
- cruel and unusual punishment
- motions to dismiss
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff's complaint stated a plausible 42 U.S.C. § 1983 claim against Dr. Nahas where the complaint did not establish whether Nahas acted under color of state law.
2. Whether Plaintiff stated an Eighth Amendment deliberate-indifference claim against the institutional defendants.
3. Whether Plaintiff was entitled to appointment of counsel in the civil-rights action.
4. Whether Plaintiff qualified to proceed in forma pauperis.

HOLDINGS

1. Plaintiff satisfied the requirements of 28 U.S.C. § 1915(a) by submitting an affidavit of inability to pay and a certified six-month inmate trust-account statement; the application to proceed in forma pauperis was therefore granted.
2. After granting in forma pauperis status, the district court was required to screen the complaint under 28 U.S.C. § 1915(e)(2)(B), applying the same failure-to-state-a-claim standard used under Federal Rule of Civil Procedure 12(b)(6).
3. The claim against Dr. Nahas failed because the complaint did not allege sufficient facts showing that Nahas acted under color of state law or that his conduct was attributable to the State; the claim was dismissed without prejudice.
4. The claims against Atlantic County Medical Center, Southwoods, and Bayside State Prison failed because Plaintiff did not allege sufficient facts showing that the institutional defendants knew of and deliberately disregarded his serious medical needs; the claims were dismissed without prejudice.
5. Appointment of counsel was not warranted because, although Plaintiff demonstrated indigency, he failed to state a claim; the motion for appointment of counsel was denied without prejudice.

KEY QUOTATIONS

“To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” (¶ 3)

“A defendant must know of and disregard excessive risk to inmate health or safety.” (¶ 7)

FACTUAL BACKGROUND

Plaintiff alleged that Dr. Frederick J. Nahas performed a biopsy or surgery in 2017 or 2018 and inserted a port into Plaintiff's chest, which allegedly remained for approximately six years. Plaintiff claimed that he experienced pain and breathing problems and that the port was eventually removed in 2024 after he was transferred among several correctional facilities. He alleged that institutional defendants ignored his complaints and sought damages and injunctive relief.

PROCEDURAL HISTORY

Plaintiff filed the complaint on or about August 21, 2025, together with an in forma pauperis application. The court found that Plaintiff satisfied the requirements for in forma pauperis status. Upon mandatory screening, the court dismissed the claims against all defendants without prejudice and denied Plaintiff's motion for appointment of counsel without prejudice.

DISPOSITION

dismissed

CASES CITED

- Schreane v. Seana, 506 F. App'x 120, 122 (3d Cir. 2012)
- Allah v. Seiverling, 229 F.3d 220, 223 (3d Cir. 2000)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 556, 570 (2007)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Lugar v. Edmondson Oil Co., 457 U.S. 922, 936-37 (1982)
- Estelle v. Gamble, 429 U.S. 97, 104 (1976)
- Pearson v. Prison Health Serv., 850 F.3d 526, 534 (3d Cir. 2017)
- Farmer v. Brennan, 511 U.S. 825, 837 (1994)
- Montgomery v. Pinchak, 294 F.3d 492, 498 (3d Cir. 2002)
- Tabron v. Grace, 6 F.3d 147, 153, 155-57 (3d Cir. 1993)
- Cuevas v. United States, 422 F. App'x 142, 144-45 (3d Cir. 2011)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY MAURICE TREAKLE, Civil Action No. 25-14846 (RMB-MJS) Plaintiff MEMORANDUM OPINION v. FREDERICK J. NAHAS, et al., Defendants IT APPEARING THAT: 1. On or about August 21, 2025, Plaintiff Maurice Treacle, a convicted detainee presently confined at New Jersey State Prison ("NJSP") filed this pro se civil rights complaint, ("Compl."), Dkt.

1, and an application to proceed in forma pauperis under 28 U.S.C. § 1915(a) ("IFP Application"), Dkt. No. 1-1. Plaintiff names Dr. Frederick J. Nahas and Atlantic County Medical Center ("ACMC") as Defendants in this matter. 2. A prisoner seeking to commence a civil action without prepayment of the filing fee must submit an affidavit, including a statement of all assets, establishing that the prisoner is unable to pay the fee.

28 U.S.C. § 1915(a)(1). The prisoner must also submit a certified copy of his inmate trust fund account statement for the six-month period immediately preceding the filing of the complaint. 28

U.S.C. § 1915(a)(2). Here, Plaintiff has complied with § 1915; he has submitted an affidavit and a certified account statement, signed by a prison official, indicating he is unable to pay the filing fee.

Dkt. No. 1-1. Accordingly, Plaintiff's application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 is granted. 3. When a plaintiff is granted IFP status, the district court is required to screen the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B), and sua sponte dismiss any claim that is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. "The legal standard for dismissing a complaint for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) is the same as that for dismissing a complaint pursuant to Federal Rule of Civil Procedure 12(b)(6)." *Schreane v. Seana*, 506 F. App'x 120, 122 (3d Cir.

2012) (citing *Allah v. Seiverling*, 229 F.3d 220, 223 (3d Cir. 2000)). "To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* (quoting *Twombly*, 550 U.S. at 556.)

Courts must liberally construe pro se complaints. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). 4. Plaintiff claims that sometime in 2017 or 2018, Defendant Nahas conducted a biopsy/surgery on Plaintiff's chest and inserted a "port" inside his chest. Compl. at 4. According to Plaintiff, Defendant told him that he would have the "port" removed after Plaintiff's "eighth chemo session" after eighteen months, but the "port" was not removed until six years later.

Id. After the "port" was inserted into Plaintiff's chest, Plaintiff went to three different prisons – Southwoods, Bayside State Prison, and Mid-State Correctional Facility. Compl. at 5-6. At Mid-State Correctional facility, in 2024, Plaintiff complained of being in pain and that he could hardly breathe. *Id.* at 5.

The medical department sent Plaintiff to "capitol medical center" in Trenton, and once there, the "port" was removed. *Id.* Plaintiff claims that he spent six years complaining of being in pain and having breathing problems because of the non-removal of this "port." Compl. at 6.

Because of this delay, Plaintiff claims that tissue formed around the port in his chest and that when it was removed, it caused Plaintiff soreness, pain, and trouble breathing. *Id.* Plaintiff alleges that South Woods and Bayside State Prison ignored him and would not send him to get the port removed from his chest. *Id.* Plaintiff seeks damages and injunctive relief.

Compl. at 6. The Court construes Plaintiff to allege an Eighth Amendment claim of deliberate indifference to his serious medical needs as against Dr. Nahas, Atlantic County Medical Center, Southwoods, and Bayside State Prison. 5. Plaintiff's claims, as alleged, fail.

To state a claim under 42 U.S.C. § 1983, a plaintiff must allege that the challenged conduct was committed by a person acting under color of state law. *West v. Atkins*, 487 U.S. 42, 48 (1988). The “under color of state law” requirement excludes purely private conduct, no matter how wrongful or harmful. *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 936 (1982). A private individual may be deemed a state actor only if the plaintiff alleges facts plausibly showing that the conduct at issue is attributable to the State.

Lugar, 457 U.S. at 937. 6. Here, Plaintiff has not alleged sufficient facts that indicate whether Defendant Nahas is a state actor or not. Indeed, it is entirely unclear from his complaint whether Dr. Nahas was a private doctor who completed Plaintiff’s surgery prior to Plaintiff’s incarceration or if Dr. Nahas was employed by the prison.

As such, Plaintiff’s claims against Defendant Nahas will be dismissed without prejudice. 7. Turning to Plaintiff’s claims against the institutions, the Eighth Amendment prohibits prison officials from acting with deliberate indifference to an inmate’s serious medical needs. *Estelle v. Gamble*, 429 U.S. 97, 104 (1976).

To state such a claim, a plaintiff must allege facts plausibly showing (1) a serious medical need and (2) deliberate indifference by the defendant to that need. *Id.*; *Pearson v. Prison Health Serv.*, 850 F.3d 526, 534 (3d Cir. 2017). Deliberate indifference is a subjective standard. A defendant must know of and disregard excessive risk to inmate health or safety.

Farmer v. Brennan, 511 U.S. 825, 837 (1994). 8. Plaintiff has not alleged sufficient facts that the institutional defendants knew of Plaintiff’s serious medical needs and were deliberately indifferent to those needs. At best, Plaintiff alleges in a cursory manner that he told someone at some time at these institutions that he was in pain and that they did nothing to help him remove the port in his chest.

Compl. at 5-6. These allegations, even construed liberally, are insufficient to state a claim for relief. As such, Plaintiff’s claims against the institutional defendants will be dismissed without prejudice. 9. Also before the Court is Plaintiff’s motion for assignment of counsel. Dkt. No. 2.

In his motion, Plaintiff requests appointed counsel because he is indigent and unfamiliar with the law. *Id.* Although civil plaintiffs have no right to the appointment of counsel in civil rights matters, this Court has wide discretion to appoint counsel where the Court finds that the appointment of counsel is warranted. *Montgomery v. Pinchak*, 294 F.3d 492, 498 (3d Cir.

2002); see also *Tabron v. Grace*, 6 F.3d 147, 153 (3d Cir. 1993). In determining whether the appointment of counsel is warranted, this Court must first determine whether the plaintiff is indigent and whether his claims have merit. *Tabron*, 6 F.3d at 155-57; *Cuevas v. United States*, 422 F. App’x 142, 144-45 (3d Cir. 2011). 10.

Here, although Plaintiff has made the initial showing that he is indigent, the Court finds that, considering plaintiff failed to state a claim as noted above, the appointment of counsel is not warranted at this time.

Accordingly, this Court will deny Plaintiff's motion for appointment of counsel without prejudice. An appropriate Order follows. DATE: February 5, 2026 s/Renée Marie Bumb RENÉE MARIE BUMB Chief United States District Judge