

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

Andrew G. Miller v. Dan Caro, et al.

Miller v. Caro · No. 3:25-cv-215 · Decided January 22, 2026

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA ANDREW G. MILLER)) Plaintiff,) Civil Action No. 3:25-cv-215) District Judge Nora Barry Fischer v.) Magistrate Judge Keith Pesto) DAN CARO, Deputy Superintendent) For Centralized Services, (D.S.C.S.),) AMANDA CROYLE, Correctional) Healthcare Administrator,) ROXANNE PLAYSO,) Physician Assistant at Sommerset State) Correctional Institution,) BRIAN FOXMAN, Prothonotary) For Somerset County Pennsylvania) Defendants.

ORDER OF COURT AND NOW, this 22nd day of January, 2026, upon consideration of the Report and Recommendation filed by United States Magistrate Judge Keith Pesto on August 27, 2025, (Docket No. 7), recommending that after screening Plaintiff Andrew G. Miller's Complaint under the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2), that the Complaint be dismissed for failure to state a claim, and without leave to amend, as any amendment would be futile, and Plaintiff's Objections which were timely filed on November 6, 2025, (Docket No. 11), this matter having been reassigned to the undersigned for prompt disposition of the matter on January 20, 2026, and upon independent review of the record and de novo consideration of the Magistrate Judge's Report and Recommendation, (Docket No. 7), which is ADOPTED as the opinion of this Court, IT IS HEREBY ORDERED that Plaintiff's Objections [11] are OVERRULED, for the reasons set forth in the Report and Recommendation.

To that end, Plaintiff has failed to demonstrate that he has stated plausible § 1983 claims against Deputy Superintendent Caro because he (Plaintiff) has not alleged any facts to suggest that Defendant Caro was deliberately indifferent to Plaintiff's health and safety.

In addition, Plaintiff has failed to state a § 1983 claim under the Eighth Amendment against Healthcare Administrator Croyle and Physician Assistant Playso as Plaintiff's allegations fail to establish that they were deliberately indifferent to Plaintiff's medical needs sufficient to hold them liable under § 1983, see e.g., *Farmer v. Brennan*, 511 U.S. 825, 835-36 (1994).

At most, Plaintiff alleges negligence claims which will not support a civil action pursuant to § 1983. See *Spruill v. Gillis*, 372 F.3d 218, 235 (3d Cir. 2004) (neither claims of medical malpractice nor disagreements regarding proper medical treatment are actionable).

Finally, Plaintiff did not raise objections to the Magistrate Judge's Report and Recommendation relating to his claim against Prothonotary Foxman; IT IS FURTHER ORDERED that Plaintiff's Complaint [6] is DISMISSED, with prejudice and leave to amend is denied, as futile; IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED; and, FINALLY, IT IS ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure. s/ Nora Barry Fischer Nora Barry Fischer Senior U.S. District Judge cc/ecf: United States Magistrate Keith Pesto Andrew G. Miller LC4126 SCI Somerset 1590 Walters Mill Road Somerset, PA 15510-0001 Via First Class Mail