

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

**John Cromer Jr. v. Mohney, Correctional Officer; R. Irwin,
Superintendent/Warden/Facility Manager of SCI-Forest; C.O. G.
Shilling, C.O. Young, C.O. M.S. Piuing, and C.O. Sgt. Lamoreaux**

Cromer v. Mohney · No. 1:25-CV-00074-RAL · Decided May 20, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania considered Defendants’ motion to dismiss in a prisoner civil-rights action alleging failure to protect and excessive force. The court converted the motion to one for summary judgment under Federal Rule of Civil Procedure 56 because Defendants submitted materials outside the pleadings. The court granted summary judgment for Defendants, concluding that John Cromer failed to exhaust available administrative remedies under the Prison Litigation Reform Act.

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	May 20, 2026
DOCKET	1:25-CV-00074-RAL
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6). Because Defendants submitted materials outside the pleadings, the court notified the parties that it would treat the motion as one for summary judgment under Rule 56 and granted judgment for Defendants on the PLRA exhaustion defense.
STANDARD OF REVIEW	Summary judgment is proper when the movant shows that there is no genuine dispute as to any material fact and that the movant is entitled to judgment as a matter of law. The court views the record and reasonable inferences in favor of the nonmoving party, but the nonmoving party must identify competent record evidence establishing a genuine issue. Defendants bear the burden of pleading and proving the PLRA exhaustion defense; after Defendants establish

	nonexhaustion, the prisoner must show that administrative remedies were unavailable.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion
PARTIES	John Cromer Jr. v. Mohny, Correctional Officer, R. Irwin, Superintendent/Warden/Facility Manager of SCI-Forest, C.O. G. Shilling, C.O. Young, C.O. M.S. Piuing, C.O. Sgt. Lamoreaux

TOPICS

summary judgment

prisoners rights

section 1983

affirmative defenses

civil procedure

PRACTICE AREAS

civil procedure

prisoner civil rights

constitutional law

summary judgment

QUESTIONS PRESENTED

1. Whether Defendants' motion to dismiss should be treated as a motion for summary judgment because materials outside the pleadings were submitted.
2. Whether Cromer failed to exhaust available administrative remedies as required by the Prison Litigation Reform Act before bringing his § 1983 action.
3. Whether the record presented a genuine dispute of material fact concerning Cromer's exhaustion of administrative remedies or the availability of those remedies.

HOLDINGS

1. A motion to dismiss supported by materials outside the pleadings may be treated as a motion for summary judgment after notice and an opportunity for the parties to respond.
2. A prisoner bringing a § 1983 action concerning prison conditions must exhaust available administrative remedies before filing suit, including substantial compliance with the applicable prison grievance procedures and deadlines.
3. Defendants were entitled to summary judgment because there was no genuine dispute that Cromer failed to complete the final SOIGA appeal and failed to show that administrative remedies were unavailable.

KEY QUOTATIONS

“Federal Rule of Civil Procedure 56(a) requires the court to enter summary judgment “if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.”” (III)

“Because exhaustion is a “prerequisite to an inmate bringing suit,” it is a “threshold issue” that the court must address before reaching the merits of the action.” (IV)

“The PLRA mandates not only technical exhaustion of the administrative remedies, but also substantial compliance with the prison’s procedural requirements and deadlines.” (IV)

FACTUAL BACKGROUND

Cromer, a Pennsylvania Department of Corrections inmate housed at SCI-Forest, alleged that his cellmate assaulted him on March 5, 2025, and that correctional officers then used excessive force while escorting him to medical triage. He filed Grievance No. 1136413 concerning the incidents, received an initial denial, and appealed to the Facility Manager, who upheld the denial. The record and SOIGA custodian's affidavit showed that Cromer did not submit the required final appeal to the Secretary's Office of Inmate Grievances and Appeals. Cromer did not respond to Defendants' concise statement of material facts despite repeated opportunities to do so.

PROCEDURAL HISTORY

Cromer filed a civil-rights action under 42 U.S.C. § 1983 concerning an alleged failure to protect him from a cellmate and alleged excessive force by correctional officers. Defendants moved to dismiss and supported the motion with grievance records and an affidavit. The court converted the motion to summary judgment, deemed Defendants' properly supported factual assertions admitted after Cromer failed to respond despite multiple extensions and a show-cause order, and granted summary judgment for Defendants because Cromer did not complete the final administrative appeal required by the Pennsylvania prison grievance system.

DISPOSITION

other

CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-48, 248, 257 (1986)
- Brenner v. Local 514, United Brotherhood of Carpenters and Joiners of America, 927 F.2d 1283, 1287-88 (3d Cir. 1991)
- Camp v. Brennan, 219 F.3d 279 (3d Cir. 2000)
- Celotex Corp. v. Catrett, 477 U.S. 317, 324 (1986)
- Clement v. Consolidated Rail Corp., 963 F.2d 599, 600 (8th Cir. 1992)
- Dawson v. Cook, 238 F. Supp. 3d 712, 717 (E.D. Pa. 2017)
- Gray v. York Newspapers, Inc., 957 F.2d 1070, 1078 (8th Cir. 1992)
- Holley v. Department of Veterans' Affairs, 165 F.3d 244, 247-48 (8th Cir. 1999)
- Kendrick v. CO Hann, 2021 WL 2914986, at *5 (M.D. Pa. July 12, 2021)
- Lewis v. Sutherland, 2024 WL 6957719, at *5 (W.D. Pa. Oct. 18, 2024)
- Moore v. Tartler, 986 F.2d 682 (8th Cir. 1993)
- Nyhuis v. Reno, 204 F.3d 65, 77-78 (3d Cir. 2000)
- Porter v. Nussle, 534 U.S. 516, 532 (2002)
- Ray v. Kertes, 285 F.3d 287, 295 (3d Cir. 2002)
- Rinaldi v. United States, 904 F.3d 257, 265, 268 (3d Cir. 2018)
- Spruill v. Gillis, 372 F.3d 218, 227-32 (3d Cir. 2004)

- *White v. Westinghouse Electric Co.*, 862 F.2d 56, 59 (8th Cir. 1988)
- *Winfield v. Mazurkiewicz*, 2012 WL 4343176, at *1 (W.D. Pa. Sept. 21, 2012)

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