

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

AARON JASON LENNON,	:	CIVIL NO. 3:CV-11-503
	:	
Plaintiff	:	(Judge Munley)
	:	
v.	:	
	:	
LAWLER, et al.,	:	
	:	
Defendants	:	

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MEMORANDUM

On March 14, 2011, Aaron Jason Lennon (“Lennon”), an inmate at the State Correctional Institution at Huntingdon, Pennsylvania, filed this civil rights action raising a whole host of unrelated and indecipherable claims against ninety-six individuals working at SCI-Huntingdon. (Doc. 1.) Because the complaint ran afoul of Rules 8 and 20 of the Federal Rules of Civil Procedure, on March 31, 2011, an order issued directing Lennon to file an amended complaint. (Doc. 6.) He filed two separate proposed amended complaints (Docs. 8, 9), neither of which complied with the order of court. Rather, the proposed documents contained numerous unrelated claims and named between forty and seventy-four defendants. Consequently, they were stricken and Lennon was afforded a final opportunity to file an amended complaint in accordance with the March 31, 2011 memorandum and order. (Doc. 10). He filed proposed amended complaints on May 31, 2011 (Doc. 11) and June 9, 2011 (Doc. 12). He seeks to proceed in forma pauperis. (Doc. 2). Obligatory preliminary screening reveals that the complaint is subject to

dismissal pursuant to 28 U.S.C. §1915(e)(2)(B)(ii).

**I. Allegations of the Complaint**

Lennon brings this action against “Mr. Lawler, et al., & staff under him” alleging that since July 23, 2009, “and still ongoing,” Mr. Lawler and his staff have not cared for any of his concerns and have failed to follow policy. (Doc. 11, at 2.) He seeks to indict defendant Lawler civilly and have all his concerns met. (Id. at 3.) He also states that he has been subject to cruel and unusual punishment since July 20, 2009, and that it is ongoing.

**II. Discussion**

Section 1915(e)(2) states, in pertinent part, “the court shall dismiss the case at any time if the court determines that (B) the action . . . (ii) fails to state a claim on which relief may be granted. . . .” 28 U.S.C. §1915(e)(2)(B)(ii). The applicable standard of review for the failure to state a claim provision is the same as the standard for a 12(b)(6) motion. Grayson v. Mayview State Hosp., 293 F.3d 103 (3d Cir. 2002). A complaint that does not establish entitlement to relief under any reasonable interpretation is properly dismissed without leave to amend. Id. at 106.

Section 1983 of Title 42 of the United States Code offers private citizens a cause of action for violations of federal law by state officials. See 42 U.S.C. § 1983. The statute provides, in pertinent part, as follows:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the

jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. . . .

Id.; see also Gonzaga Univ. v. Doe, 536 U.S. 273, 284-85 (2002); Kneipp v. Tedder, 95 F.3d 1199, 1204 (3d Cir. 1996). To state a claim under § 1983, a plaintiff must allege “the violation of a right secured by the Constitution and laws of the United States, and must show that the alleged deprivation was committed by a person acting under color of state law.” West v. Atkins, 487 U.S. 42, 48 (1988).

Lennon simply alleges that defendant Lawler and his staff failed to “care for any of [his] concerns” (Doc. 11) and that he has been subject to ongoing cruel and unusual punishment (Doc. 12). However, “[a] defendant in a civil rights action must have personal involvement in the alleged wrongs. . . . Personal involvement can be shown through allegations of personal direction or of actual knowledge and acquiescence.”

Rode v. Dellarciprete, 845 F.2d 1195, 1207-08 (3d Cir. 1988); see also, Rizzo v. Goode, 423 U.S. 362 (1976); Atkinson v. Taylor, 316 F.3d 257 (3d Cir. 2003). Thus, individual liability can be imposed under Section 1983 only if the state actor played an “affirmative part” in the alleged misconduct. Rode, supra. Alleging a mere hypothesis that an individual defendant had personal knowledge or involvement in depriving the plaintiff of his rights is insufficient to establish personal involvement. Rode, 845 F.2d at 1208.

Lennon fails to set forth allegations that any of the named defendants were personally involved in conduct which violated a right secured by the Constitution and law of the United States. Because he has submitted a total of four separate amended complaints

which are void of viable claims, it would be futile to allow him a fifth opportunity to amend. Consequently, this action will be dismissed pursuant to 28 U.S.C.

§1915(e)(2)(B)(ii) for failure to state a claim.

An appropriate order follows.

**BY THE COURT:**

**James M. Munley**  
**JUDGE JAMES M. MUNLEY**  
**United States District Court**

Dated: June 13, 2011

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Plaintiff	:	(Judge Munley)
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v.	:	
	:	
LAWLER, et al.,	:	
	:	
Defendants	:	

.....

**ORDER**

AND NOW, to wit, this 13<sup>th</sup> day of June 2011, upon consideration of plaintiff's amended complaints (Docs.11, 12), it is hereby ORDERED that:

1. Plaintiff's application to proceed in forma pauperis (Doc. 2) is construed as a motion to proceed without full prepayment of fees and costs and is GRANTED.
2. This matter is DISMISSED pursuant to 28 U.S.C. §1915(e)(2)(B)(ii).
3. The Clerk of Court is directed to CLOSE this case.
4. Any appeal from this order is DEEMED frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).

**BY THE COURT:**

s/James M. Munley  
**JUDGE JAMES M. MUNLEY**  
**United States District Court**