

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

RALPH O. WILLIAMS,

Plaintiff,

v.

ATTORNEY WENDY WILLIAMS, *et al,*

Defendants.

Civil Action No. 2:22-cv-444

Hon. William S. Stickman IV
Hon. Maureen P. Kelly

ORDER OF COURT

Plaintiff Ralph O. Williams (“Plaintiff”), a pre-trial detainee being held at the Allegheny County Jail (“ACJ”), brought this action for civil rights violations. (ECF No. 7). On July 7, 2022, Plaintiff’s Complaint (ECF No. 7) was *sua sponte* dismissed by the Court pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) as frivolous, malicious, and for failure to state a claim on which relief may be granted. All claims were dismissed with prejudice except for (1) the claim against Defendant Justin P. Knight (“Knight”) regarding allegedly withheld evidence; and (2) the Fourteenth Amendment medical claims. (ECF No. 13). As to these two claims, Plaintiff was given leave to file an Amended Complaint, and he did so on August 1, 2022. (ECF No. 14).

Magistrate Judge Maureen P. Kelly issued a Report and Recommendation recommending that Plaintiff’s Amended Complaint be dismissed *sua sponte* pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) as frivolous, malicious, and for failure to state a claim upon which relief may be granted. (ECF No. 17). Plaintiff was given the opportunity to file objections to Magistrate Judge Kelly’s Report and Recommendation, and he did so. (ECF No. 19).

The Court, after its independent *de novo* review of the entire record, ADOPTS Magistrate Judge Kelly's Report and Recommendation (ECF No. 17) as its Opinion. It concurs with her thorough legal analysis of Plaintiff's claims (including the new claims that he has raised without permission of the Court in his Amended Complaint), her legal conclusions, and her recommendations. It has independently reached the same legal conclusions. The Court hereby OVERRULES Plaintiff's Objections (ECF No. 19).

AND NOW, this 15 day of September 2022, IT IS HEREBY ORDERED that Plaintiff's Amended Complaint (ECF No. 14) is *sua sponte* dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) as frivolous, malicious, and for failure to state a claim on which relief may be granted. IT IS FURTHER ORDERED that all federal claims are hereby DISMISSED WITH PREJUDICE.¹ To the extent Plaintiff continues to attack the validity of his pending state criminal proceedings, his claims are not cognizable under 42 U.S.C. § 1983, but they may be advanced through a habeas petition under 28 U.S.C. § 2241. AND IT IS FURTHER ORDERED that the Court declines to exercise supplemental jurisdiction over Plaintiff's state claims, and they are DISMISSED WITHOUT PREJUDICE for Plaintiff to pursue them in state court, if appropriate. The Clerk of Court is to mark this CASE CLOSED.

BY THE COURT:


 WILLIAM S. STICKMAN IV
 UNITED STATES DISTRICT JUDGE

¹ The Court holds that permitting Plaintiff any further amendment would be futile. *See In re Burlington Coat Factory Sec. Litig.*, 114 F.3d 1410, 1434 (3d Cir.1997) (a court may decide to deny leave to amend for reasons such as undue delay, bad faith, dilatory motive, prejudice, and futility). "An amendment is futile if it merely restates the same facts as the original complaint in different terms, reasserts a claim on which the court previously ruled, fails to state a legal theory, or could not withstand a motion to dismiss." 3 James Wm. Moore et al., *Moore's Federal Practice* ¶ 15.15 (3d ed. 2021).