

moved to a different housing location. (*Id.*). On September 15, 2025, Plaintiff was found guilty of substance abuse and promoting prison contraband. (*Id.*) Defendant Gibson presided over the hearing and, when Plaintiff asked to see the evidence used against him, he allegedly told Plaintiff “we are not doing all that.” (*Id.*). Defendant Gibson allegedly further told Plaintiff that if he appealed, she would make sure he received the “maximum penalty” and “go to hole.” (*Id.* at 6). She allegedly further told Plaintiff “just accept what’s currently being given.” (*Id.* at 6). Plaintiff appealed. (*Id.*). He indicated that, as a result of the appeal, he was moved to “the hole.” (*Id.*).

Plaintiff also describes loss of property that occurred during the housing transfers. (*Id.*). Plaintiff’s television was confiscated in a “shake-down” authorized by Defendant Lt. Stuart. (*Id.* at 6). When Plaintiff repeatedly requested that the television be returned or replaced, he was allegedly told to “take [the] loss like a man.” (*Id.*). Further, during a transfer on October 1, 2025, Plaintiff claims that many of his personal items went missing, including his headphones and water bottles. (*Id.*). Despite repeated requests to reclaim his property, Plaintiff never received the missing items. (*Id.*).

Plaintiff alleges that the property loss and disciplinary hearing violated his constitutional rights under the First, Eighth and Fourteenth Amendments, and he is suing Defendants Gibson, Stuart and Wells based on their involvement in the events, as well as Deputy Warden Hollingsworth, Warden Parker, and Bureau Chief Robert May. (*See generally* D.I. 1). Plaintiff seeks monetary damages and various forms of injunctive relief. (*Id.* 8-9).

II. LEGAL STANDARDS

A federal court may properly dismiss an action *sua sponte* under the screening provisions of 28 U.S.C. § 1915(e)(2)(B) if “the action is frivolous or 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.” *Ball v. Famiglio*, 726 F.3d 448, 452 (3d Cir. 2013) (quotation marks omitted); *see also* 28 U.S.C. § 1915(e)(2) (*in forma pauperis* actions). The Court must accept all factual allegations in a complaint as true and take them in the light most favorable to a *pro se* plaintiff. *See Phillips v. County of Allegheny*, 515 F.3d 224, 229 (3d Cir. 2008). Because Plaintiff proceeds *pro se*, his pleading is liberally construed and the complaint, “however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

A complaint is not automatically frivolous because it fails to state a claim. *See Dooley v. Wetzel*, 957 F.3d 366, 374 (3d Cir. 2020). Rather, a claim is deemed frivolous only where it relies on an “‘indisputably meritless legal theory’ or a ‘clearly baseless’ or ‘fantastic or delusional’ factual scenario.’” *Id.*

The legal standard for dismissing a complaint for failure to state a claim pursuant to § 1915(e)(2)(B)(ii) is identical to the legal standard used when ruling on Rule 12(b)(6) motions. *Tourscher v. McCullough*, 184 F.3d 236, 240 (3d Cir. 1999). A well-pleaded complaint must contain more than mere labels and conclusions. *See Ashcroft v. Iqbal*, 556 U.S. 662 (2009); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007). A plaintiff must plead facts sufficient to show that a claim has substantive plausibility. *See Johnson v. City of Shelby*, 574 U.S. 10, 12 (2014) (*per curiam*). A complaint may not be dismissed, however, for imperfect statements of the legal theory supporting the claim asserted. *See id.* at 11.

A court reviewing the sufficiency of a complaint must take three steps: (1) take note of the elements the plaintiff must plead to state a claim; (2) identify allegations that, because they are no more than conclusions, are not entitled to the assumption of truth; and (3) when there are well-pleaded factual allegations, assume their veracity and then determine whether they plausibly give

rise to an entitlement to relief. *Connelly v. Lane Constr. Corp.*, 809 F.3d 780, 787 (3d Cir. 2016). Elements are sufficiently alleged when the facts in the complaint “show” that the plaintiff is entitled to relief. *Iqbal*, 556 U.S. at 679 (quoting Fed. R. Civ. P. 8(a)(2)). Deciding whether a claim is plausible will be a “context-specific task that requires the reviewing court to draw on its judicial experience and common sense.” *Id.*

III. DISCUSSION

A. Warden Parker, Deputy Warden Hollingsworth, and Bureau Chief Robert May

Plaintiff alleges that he sent his disciplinary appeal to Deputy Warden Hollingsworth and Warden Parker. (D.I. 1 at 6). Bureau Chief Robert May is named as a defendant but there are no allegations against him in the Complaint. Plaintiff does not allege that Parker or Hollingsworth were personally involved in any of the incidents upon which Plaintiff seeks relief. A “defendant in a civil rights action must have personal involvement in the alleged wrongs to be liable.” *Sutton v. Rasheed*, 323 F.3d 236, 249 (3d Cir. 2003), *as amended* (May 29, 2003) (internal quotation mark omitted); *Baraka v. McGreevey*, 481 F.3d 187, 210 (3d Cir. 2007). A defendant “cannot be held responsible for a constitutional violation which he or she neither participated in nor approved.” *C.H. ex rel. Z.H. v. Oliva*, 226 F.3d 198, 201 (3d Cir. 2000); *Rode v. Dellarciprete*, 845 F.2d 1195, 1207 (3d Cir. 1988) (“[A] defendant in a civil rights action must have personal involvement in the alleged wrongs; liability cannot be predicated solely on the operation of respondeat superior.”). As pled, Plaintiff has not alleged personal involvement to state any cognizable claim against Parker, Hollingsworth, or May under any of the identified authority. *See, e.g., Polk Cnty. v. Dodson*, 454 U.S. 312, 325 (1981) (liability under § 1983 must be based on personal involvement, not respondeat superior); *Evancho v. Fisher*, 423 F.3d 347, 353 (3d Cir. 2005) (personal involvement may be “shown through allegations of personal direction or of actual knowledge and

acquiescence”). The Court recommends that these defendants be dismissed without prejudice pursuant to §§ 1915(e)(2)(B)(ii) and 1915A(b)(1).

B. Due Process Claims

Plaintiff alleges that he was wrongfully transferred after the disciplinary report and that this resulted in a less desirable housing location and an inability to continue his prison job. (D.I. 1 at 5). With regard to his classification, it is well established that an inmate does not possess a liberty interest arising from the Due Process Clause in assignment to a particular custody level, security classification, or a place of confinement. *See Wilkinson v. Austin*, 545 U.S. 209 (2005); *Olim v. Wakinekona*, 461 U.S. 238, 245 (1983). Traditionally, prisoners also do not have a constitutional liberty or property interest in a prison job assignment or a particular place of confinement. *See Meachum v. Fano*, 427 U.S. 215, 228-29 (1976); *James v. Quinlan*, 866 F.2d 627, 629-30 (3d Cir. 1989).

To the extent that Plaintiff claims that his disciplinary hearing and appeal were constitutionally deficient because he was not provided with notice of the charge and the evidence relied upon, Plaintiff has sufficiently stated a claim at this stage. *See Shivers v. Hollingsworth*, No. 22-603-RGA, 2023 WL 4265611 at *3 (D. Del. June 29, 2023) (describing that a prison disciplinary hearing satisfies the Due Process Clause when it, among other things, provides “a written statement by the fact finder as to the evidence relied on and the reasons for the disciplinary action”) *citing Wolff v. McDonnell*, 481 U.S. 539 (1976)). Plaintiff contends that this did not occur. Here, he states a claim.

C. First Amendment Retaliation

Plaintiff asserts that hearing officer Gibson stated that if Plaintiff were to appeal the disciplinary decision, she would make sure he received the maximum penalty and be sent to “the

hole.” (D.I. 1 at 6). A prisoner alleging retaliation must show that: “(1) his conduct was constitutionally protected; (2) he suffered an adverse action at the hands of prison officials; and (3) his constitutionally protected conduct was a substantial or motivating factor” in the officials’ decisions. *Watson v. Rozum*, 834 F.3d 417, 422 (3d Cir. 2016) (citing *Rauser v. Horn*, 241 F.3d 330, 333-34 (3d Cir. 2001)). The causation element requires a plaintiff to prove either: (1) an unusually suggestive temporal proximity between the protected activity and the allegedly retaliatory conduct, or (2) a pattern of antagonism coupled with timing to establish a causal link. *Id.* (citing *Lauren W. ex rel. Jean W. v. DeFlaminis*, 480 F.3d 259, 267 (3d Cir. 2007)). Here, Plaintiff states a claim. Plaintiff alleges that Gibson threatened him with “the hole” if he appealed, that he appealed, and that he was put in “the hole.” At this stage, that is enough.

D. Personal Property

Liberally construed, Plaintiff alleges violation of his right to Due Process when, as a result of his transfer in late September 2025 and subsequent transfer on October 1, 2025, his television was confiscated, and his headphones and water bottles went missing. The Court construes these claims as violations of Due Process. A prisoner’s Due Process claim based on the deprivation of his personal property is not actionable under 42 U.S.C. § 1983 unless there is no adequate post deprivation remedy available. *See Parratt v. Taylor*, 451 U.S. 527, 542 (1981), *overruled on other grounds by Daniels v. Williams*, 474 U.S. 327 (1986); *Harris v. McMullen*, 609 F. App’x 704, 705 (3d Cir. 2015). Because Delaware provides an adequate remedy by filing a common law claim for conversion of property, Plaintiff cannot maintain a cause of action pursuant to § 1983. *Harris*, 609 F. App’x at 705. The Court recommends these claims be dismissed with prejudice. *See Jones v. Calloway*, No. 20-1542-CFC, 2022 WL 1016399, at *7 (D. Del. Apr. 5, 2022).

Accordingly, the Court orders that service proceed as to Officer Gibson on Plaintiff's disciplinary hearing Due Process claim and First Amendment Retaliation claim. The Court recommends that the Plaintiffs personal property claims and classification claims be dismissed with prejudice. The Court further recommends that the remaining claims and defendants be dismissed without prejudice.

IV. CONCLUSION

For the foregoing reasons, the Court ORDERS the following:

1. Having identified what appear to be cognizable and non-frivolous Due Process and First Amendment Retaliation claims pursuant to 42 U.S.C. § 1983 within the meaning of 28 U.S.C. § 1915A(b) and § 1915(e)(2)(B) against Officer Gibson, the Clerk of Court shall notify the Delaware Department of Correction ("DDOC") and the Delaware Department of Justice ("DDOJ") of Service Order. As an attachment to this Order, the Clerk of Court shall serve an electronic copy of the Complaint (D.1. 1) on the DDOC and the DDOJ. The Court requests that DDOC Defendants waive service of summons.

2. Defendants shall have ninety (90) days from entry of this Service Order to each file a Waiver of Service Executed and/or a Waiver of Service Unexecuted. Upon the electronic filing of the Waiver of Service Executed, Defendants shall have sixty (60) days to answer or otherwise respond to the pro se Complaint.

3. In those cases where a Waiver of Service Unexecuted is filed, the DDOC and/or DDOJ shall have ten (10) days from the filing of the Waiver of Service Unexecuted, to supply the Clerk of Court with the last known forwarding address for any former employee who does not agree to waive service, said address to be placed under seal and used only for the purpose of attempting to effect service in the traditional matter.

Additionally, the Court RECOMMENDS the following:

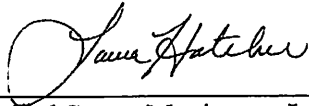
4. That the Plaintiffs personal property claims and classification claims be dismissed with prejudice.

5. That the remaining defendants and claims be dismissed without prejudice for failure to state a claim.

Plaintiff may file objections to this Order and Report and Recommendation within fourteen (14) days after being served with a copy of the Order and Report and Recommendation. *See* Fed. R. Civ. P. 72(a) & (b)(2); *see also* Fed. R. Civ. P. 6(d). Objections are limited to seven (7) pages. The failure of a party to object may result in the loss of the right to review in the district court and the loss of certain appellate rights or the right to appellate review. *See Henderson v. Carlson*, 812 F.2d 874, 878-79 (3d Cir. 1987); *Equal Emp. Opportunity Comm'n v. City of Long Branch*, 866 F.3d 93, 99-100 (3d Cir. 2017); *United Steelworkers of America, AFL-CIO v. New Jersey Zinc Co.*, 828 F.2d 1001, 1006-08 (3d Cir. 1987); *Bello v. United Pan Am. Fin. Corp.*, 2025 WL 275109, at *3 n.5 (3d Cir. Jan. 23, 2025).

This Order and Report and Recommendation is filed pursuant to 28 U.S.C. § 636(b)(1)(A) & (B), Federal Rule of Civil Procedure 72(a) & (b) and District of Delaware Local Rule 72.1. Parties are directed to the court's "Standing Order for Objections Filed Under Fed. R. Civ. P. 72," dated March 7, 2022, a copy of which is available on the court's website, <https://www.ded.uscourts.gov>.

Dated: July 29, 2026


United States Magistrate Judge



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Hilton, Aquan

(In the space above enter the full name(s) of the plaintiff(s).)

Civ. Action No. 25 - 1547
(To be assigned by Clerk's
Office)

-against-

Lynn Gibson, Deputy warden Hollingsworth, Lieutenant
Wells, Lieutenant Stuart, Warden Parker

COMPLAINT
(Pro Se Prisoner)

Jury Demand?

☒ Yes
☐ No

(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the
space provided, please write "see attached" in the space
above and attach an additional sheet of paper with the full list
of names. The names listed in the above caption must be
identical to those contained in Section IV. Do not include
addresses here.)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

Check one:

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)

II. PLAINTIFF INFORMATION

Hilton, Aguan, J
Name (Last, First, MI) Aliases

523365
Prisoner ID #

Howard B. Young Correctional Institute
Place of Detention

1301 East 12th Street
Institutional Address

Wilmington DE 19802
County, City State Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1:

Gibson, Lynn

Name (Last, First)

Staff Lieutenant

Current Job Title

1301 East 12th Street

Current Work Address

Wilmington

County, City

DE

State

19802

Zip Code

Defendant 2:

Hollingsworth

Name (Last, First)

Deputy warden

Current Job Title

1301 East 12th Street

Current Work Address

Wilmington

County, City

DE

State

19802

Zip Code

Defendant(s) Continued

Defendant 3:

L.T. Stuart

Name (Last, First)

L.T.

Current Job Title

1301 East 12th Street

Current Work Address

Wilmington
County, City

DE
State

19802
Zip Code

Defendant 4:

L.T. Wells

Name (Last, First)

Lieutenant

Current Job Title

1301 East 12th Street

Current Work Address

Wilmington
County, City

DE
State

19802
Zip Code

V. STATEMENT OF CLAIM

Place(s) of
occurrence:

Inside the building of H.R.Y.C.I

Date(s) of occurrence: September 15, 2025

State which of your federal constitutional or federal statutory rights have been violated:

5th Amendment, 8th Amendment, 14th Amendment, 42 U.S.C 1983, 42 U.S.C 1985(3), 1st Amendment

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

What
happened to
you?

I recieved a disciplinary report on 9-1, 2025 which states "It was seen via camera footage the item was dropped from one of the offenders pants". offenders Hall-Jackson and Hilton were both questioned about ownership to which neither claimed ownership. Both inmates were charged with 1.26 Substance abuse and 1.31 Promoting Prison Contraband. I was removed from a working pod being a minimum status worker (yellow badge) since November of 2024 earning 10 days of good time a month with approximately \$50.00 a month. New housing location contained a mixture of sentenced and un-sentenced inmates locked down for every code called and officers fairly new. On September 15, 2025 at 14:19 found me guilty of all charges. During the hearing process I asked to be shown evidence being used against me to which Staff LT Gibson denied me and she states "we are not doing all that". At this time I request to her

Who did
what?

decision. Staff L.T. Gibson stated if I were to appeal she would make sure I receive maximum penalty and go to hole so just accept whats currently being given. Appeal paper work September 16 2025 along with guilty verdict. I filed Appeal and sent to Deputy warden Hollingsworth September 22 2025, also forwarded to warden Parker including his secretary Teresa Bradley September 28, 2025. On October 1, 2025 I was told to pack up again and was being housed on 2M which is the hole. There was never evidence brought forth to prove there was wrong done by me. During being housed on the west side of the building due to the disciplinary report there was a mass shake down conducted to where officers confiscated my television. Spoke to L.T. Stuart who was the L.T. for the shake-down that L.T. Lopez authorized the exchange of my T.V. that was purchased because it was not receiving the additional channels that were added. This exchange was written on my picture card. Before these events I was transferred to Smyrna facility for a program. Upon my return back to H.B.V.C.I officers provided me with a new picture card without the information concerning the exchange. There has been multiple occasions throughout movement I ran into these officers where I questioned the replacement of item and im being told buy a new one. When the shake down initially happened in the last 2 weeks of September Captain Dykes told me im have to take my loss like a man. On October 1, 2025 I was transferred and was rushed by team of officers and was not able to pack all of my belongings. L.T. Wells told me they would make sure I get my property. Once my items made it to my new housing area

Was anyone
else
involved?

Pod 2-M I looked over my property and many items was missing. Most important were my headphones (Koss) CL20 and water bottles (12-15). Officer Nieves who was working the area I was moved from 2-S verifies the items were giving to him by offender Caleb Lancaster where he called a rover to bring me the items and it never happened. He mentions the next day the items were still in closet and he repeated the procedure. Officer Nieves admits 2 days later he came back to 2S and items were gone he thought I received. Which again Captain Dynes along with multiple Lieutenants tell me its nothing they can do. Grievances were filed for T.V. October 5, 2025 closed and then escalated October 24 2025 then closed by Facility staff December 3, 2025. Grievance was filed about disciplinary hearing October 5, 2025 closed and escalated October 31-November 22 closed by Facility Staff with no response. Items missing through to movement Grievance filed October 2, 2025 closed and escalated October 31-November 22 2025 closed by Facility Staff with no response December 8, 2025.

VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Is there a grievance procedure available at your institution?

☒ Yes ☐ No

Have you filed a grievance concerning the facts relating to this complaint?

☒ Yes ☐ No

If no, explain why not:

Is the grievance process completed?

☒ Yes ☐ No

If no, explain why not:

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

• Induction relief: order for preservation and production of video evidence² order for new disciplinary hearing with proper notice, video evidence, witness testimony, and mutual decision maker³ order stopping retaliation, a order correcting classification and proper housing • Declaratory relief: 'Declare I was denied due process,² Declare punishment without evidence,³ Declare grievances being processed was unlawful⁴, Declare equal protection

Continuance of Page 8 of 10

rights violated. Monetary relief: 'compensatory damages for loss of Privileges, Emotional distress, Time in ~~segregation~~ segregation (Administration segregation),² Mental suffering, dignity harm,³ punitive damages for staff retaliation, deliberate indifference, malicious intent,⁴ Pro-se attorney fees. Award punitive damages against defendant in the amount of 2 million for there deliberate indifference retaliation, Coercion, and supervisory inaction.

Continuance of Pages 3 and 4 of 10

Defendant 4: name: Parker

Current job title: warden

Current work Address: 1301 East 12th street

County, city / state / zip code: wilmingon DE 19802

Defendant 5: name: Robert May

Current job title: Bureau chief

Current work Address: 245 McKee Road

County, city / state / zip code: Dover DE 19904

Have you brought any other lawsuits in state or federal court while a prisoner?

☐ Yes ☒ No

If yes, how many? _____

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

IX. PLAINTIFF'S DECLARATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; and (3) complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Plaintiff must sign and date the complaint and provide prison identification number and prison address.

December 15, 2025
Dated

Aquan Hilton
Plaintiff's Signature

Hilton, Aquan, J
Printed Name (Last, First, MI)

00523365
Prison Identification #

1301 East 12th Street Wilmington DE 19802
Prison Address City State Zip Code

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

Aquan Hilton
00523365

Howard R. Young Correctional Institution
1301 East 12th Street
P.O. Box 9561
Wilmington, DE 19809



Office of the Clerk
United States District Court
844 North King Street Unit 18
Wilmington DE 19801-3570

25 - 154 Z

U.S. DISTRICT COURT
EX-RAY



FOREVER / USA

DEC 16 2025
MAILROOM

THIS LETTER WAS SENT BY AN
INMATE WHO IS IN A STATE PRISON.
THE STATE IS NOT RESPONSIBLE
FOR DEBTS INCURRED, OR THE
CONTENTS OF THIS LETTER



THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT



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