NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-1425

JEREMY MARTIN HAAR,
Appellant

v.

JESSICA SAGE, Warden; JULIA FIRTH; GREG GEORGE, Assistant Health Service Administrator FCI-Schuylkill; BRET BROSIOUS, Medical Clinical Director FCI-Administrator/Health Services Administrator; RICHARD ANDREUZZI; J. DUNLOP

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Civil Action No. 1:23-cv-00041)
District Judge: Honorable Jennifer P. Wilson

Submitted Pursuant to Third Circuit LAR 34.1(a)
October 26, 2026

Before: HARDIMAN, MATEY, and MASCOTT, *Circuit Judges*

(Opinion filed: November 20, 2026)

OPINION*

PER CURIAM

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

Jeremy Martin Haar appeals pro se the District Court's orders dismissing his complaint with prejudice and denying his motion for appointment of counsel. We will affirm.

Haar initiated this civil action against numerous officials employed at the Federal Correctional Institution Schuylkill (FCI-Schuylkill), where he was housed from August 2022 to March 2023. In his original complaint, Haar raised seven claims against nine defendants, seeking declaratory and injunctive relief as well as monetary damages. The District Court screened Haar's complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) and dismissed all claims without prejudice, save one: deliberate indifference to a serious medical need in violation of the Eighth Amendment against Defendants Jessica Sage, Julia Firth, Greg George, and Bret Brosious. The District Court explained that Haar's other claims could not proceed in the same action because they did not arise from the same transaction or occurrence and did not involve a common question of law or fact.

Haar then sought leave to amend his complaint, which the District Court granted. Haar added three additional defendants, Richard Andreuzzi, J. Dunlop, and J. Meneke, and expanded his Eighth Amendment claim to include denial of treatment for his mental health. The District Court again screened Haar's complaint and dismissed his claim against J. Meneke regarding denial of mental health treatment as improperly joined under Federal Rule of Civil Procedure 20 because the complained-of conduct involved a different party and took place after the date of Haar's initial filing.

As a result, Haar's operative amended complaint contained one single claim against six defendants: deliberate indifference to his serious medical needs, specifically denial of treatment for his migraines, in violation of the Eighth Amendment.[1] Haar alleged that, during his health intake screening at FCI-Schuylkill, he informed medical staff of his history of painful and chronic migraines and stated that his current medication regimen had not been effectively treating his pain. Despite filing numerous "sick calls," and frequently raising this issue with prison staff orally, Haar claimed he never received adequate migraine treatment during his time at FCI-Schuylkill. Although Haar filed 18 complaints through the Bureau of Prisons' administrative remedy program ("ARP"), at least three of them while he was housed at FCI-Schuylkill, none pertained to the treatment of his migraines at this facility.

Defendants moved for dismissal of Haar's amended complaint for failure to state a claim or, in the alternative, a grant of summary judgment in Defendants' favor. The District Court granted Defendants' motion, determining that Haar had failed to assert a viable claim under *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), and dismissed Haar's complaint with prejudice. After the District

[1] The remaining defendants are: Warden Jessica Sage, Associate Warden Julia Firth, Assistant Health Services Administrator Greg George, Health Services Administrator Bret Brosious, Physician's Assistant Richard Andreuzzi, and J. Dunlop (collectively, "Defendants").

Court denied Haar's motion to reconsider its decision, Haar filed this pro se appeal.[2] Haar then filed a motion for appointment of counsel in this Court, which we denied.

On appeal, Haar argues the District Court erroneously determined that his *Bivens* claim arose in a new context and abused its discretion in dismissing his motion for appointment of counsel.[3] We disagree. *Bivens* actions are cognizable only when the claim presented is "indistinguishable" from a previously recognized *Bivens* context. *Fisher v. Hollingsworth*, 115 F.4th 197, 205 (3d Cir. 2024) (discussing *Egbert v. Boule*, 596 U.S. 482, 498-99 (2022)). And this Court has held that the availability of the Bureau of Prisons' ARP, which Haar used on numerous occasions, creates a new context precluding *Bivens* relief. *See Muniz v. United States*, 149 F.4th 256, 263-64 (3d Cir. 2025). Therefore, Haar's claim against the defendants is not cognizable.[4] Because Haar's claim

[2] We have jurisdiction pursuant to 28 U.S.C. § 1291 and exercise plenary review over the District Court's grant of Defendants' motion to dismiss. *See Fleisher v. Standard Ins. Co.*, 679 F.3d 116, 120 (3d Cir. 2012). We review for abuse of discretion the District Court's order denying appointment of counsel. *See Tabon v. Grace*, 6 F.3d 147, 155 n.4 (3d Cir. 1993).

[3] Haar has forfeited any other issues presented by the District Court's judgment. *See M.S. ex rel. Hall v. Susquehanna Twp. Sch. Dist.*, 969 F.3d 120, 124 n.2 (3d Cir. 2020).

[4] In instances where prison administrators have thwarted an inmate's access to the ARP process, Supreme Court precedent suggests *Bivens* relief remains available for claims that are indistinguishable from the context of prior *Bivens* claims that the Supreme Court has found cognizable. *See Muniz*, 149 F.4th at 265 (citing *Ross v. Blake*, 578 U.S. 632, 644 (2016)). Although Haar argues that this exception applies here, we do not find this argument persuasive, considering his numerous ARP filings during the relevant timeframe.

lacked arguable merit, the District Court did not abuse its discretion in denying his motion for appointment of counsel. *See Tabon*, 6 F.3d at 158.

Accordingly, we will affirm the District Court's judgment.[5]

[5] We grant Haar's motion for leave to file a reply brief out of time.