NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-1896

MARIA MENAS, Administrator of the Estate of Dimitrios Emmanuel Menas,
Deceased and in her own right,
Appellant

v.

WASHINGTON TOWNSHIP; JARRED KIER; JAKE SKUNDA

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civil No. 2:23-cv-00353)
District Judge: Honorable Marilyn J. Horan

Submitted Pursuant to Third Circuit L.A.R. 34.1(a)
May 1, 2026

Before: CHAGARES, Chief Judge, ROTH, Circuit Judge, and DOW,* District Judge

(Opinion Filed: November 2, 2026)

OPINION†

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* Honorable Robert M. Dow, Jr., District Judge of the United States District Court for the Northern District of Illinois, sitting by designation.

† This disposition is not an opinion of the full Court and, pursuant to 3d Cir. I.O.P. 5.7, does not constitute binding precedent.

DOW, District Judge.

This case arises out of the death by suicide of Dimitrios Menas on July 5, 2021. Dimitrios's mother, Maria Menas, commenced a Section 1983 lawsuit on her own behalf and as administrator of her son's estate against Defendants Washington Township (the "Township") and two of the Township's police officers, Jarred Kier and Jake Skunda. The lawsuit alleged that Defendants violated Mr. Menas's Fourteenth Amendment rights by failing to obtain medical care for him while he was in police custody and creating (or at least enhancing) a risk that Mr. Menas would commit suicide after his release. It also asserted state law claims for wrongful death, survival, and intentional infliction of emotional distress.

The Magistrate Judge who handled the pre-trial proceedings recommended that summary judgment for the Township be granted on all claims and that summary judgment be granted in part and denied in part as to the Officers. The District Court adopted the Magistrate Judge's recommendations in part and overruled them in part. The District Court entered a final judgment granting summary judgment for all Defendants on all counts of Mrs. Menas's complaint.

Mrs. Menas appeals only the final disposition of her Fourteenth Amendment claims. Liberally construing her brief, we will address both the in-custody and post-custody aspects of those claims. For the reasons stated below, we will affirm the grant of summary judgment.

I.[1]

In their briefing on the summary judgment motion now before this Court, the parties stipulated to a Joint Statement of Undisputed Facts. Like the District Court, we adopt those stipulated facts verbatim. We will supplement from the record as necessary to provide a complete narrative.

The stipulated facts, Appendix ("App.") 4–6, are as follows:

On July 5, 2021, Police Officers Kier and Skunda were on duty, in uniform, and driving marked police cars for the Washington Township Police Department [located in Allegheny County, Pennsylvania]. At 12:56 a.m., Officer Kier observed a black Mercedes Benz driving on Route 66 in Washington Township. Officer Kier noticed that the car was weaving outside the lanes of travel in a manner indicating that the driver may be driving under the influence. Officer Kier initiated his emergency lights and conducted a traffic stop. Officer Kier spoke with Mr. Menas, the driver of the vehicle, smelled a strong odor of intoxicating beverages, and observed that the driver's speech was slurred. Mr. Menas exited the vehicle as requested and performed field sobriety tests, which he did not pass.

Based upon the evidence of Mr. Menas's intoxication, Officer Kier arrested Mr. Menas for driving under the influence. During the traffic stop, Officer Skunda arrived as backup at 1:04 a.m. Mr. Menas told the officers that he had been at a party in Saltsburg

[1] We write primarily for the parties and therefore recite only those facts pertinent to our decision.

where he was forced to drink alcohol and was threatened by individuals who then forced him to leave and took his gun, shoes, and cellphone. Officer Kier transported Mr. Menas to the police department for blood alcohol testing. Officer Skunda remained at the scene of the traffic stop until Mr. Menas's vehicle was towed, and then he proceeded to the police station, arriving at 1:35 a.m. While being transported to the Washington Township police station by Officer Kier, Mr. Menas was crying and hysterical. At the police station Mr. Menas's blood was drawn by EMS personnel.

Officer Kier contacted Mrs. Menas and spoke to her about transporting her son home. Officer Kier drove Mr. Menas home. Mr. Menas was upset about being arrested. As Officers Kier and Skunda were escorting Mr. Menas to the police car to transport him home, Mr. Menas uttered a comment that he wished that he was dead.[2] Both officers heard the comment[3] and separately asked Mr. Menas if he needed help, if he wanted to go [to] the hospital, and if he intended to harm himself. Mr. Menas stated that he did not want help, did not want [to be] taken to the hospital, and denied that he intended to harm

[2] Mrs. Menas takes issue with the District Court's characterization of this statement as a "past-tense comment." Menas Br. 12. Consistent with our obligation to construe all disputed factual inferences in the light most favorable to the nonmoving party, for purposes of this opinion, we accept Mrs. Menas's contention that Mr. Menas's comment that he "wish[ed] [he] was dead" could be construed as a statement of his then-present state of mind.

[3] We also credit Mrs. Menas's reliance on the statements of Sergeant DiMaria and Detective Renko to the effect that Mr. Menas told Officers Kier and Skunda "multiple times" that he "wanted to harm himself, that he wanted to kill himself, and that he couldn't handle being arrested." Menas Br. 5–6, 12–13; see also App. 177, 191–92.

himself. Officer Kier transported Mr. Menas from the Washington Township Police Department to his home in Plum Borough.

During the transport, Mr. Menas slept until Officer Kier woke him just before arriving at his residence to find out about the exact location of his residence. Officer Kier arrived at Mr. Menas's home at 2:40 a.m. and spoke with his mother while Mr. Menas remained restrained in the police vehicle. During the conversation, Mr. Menas began to strike his head on the plexiglass in the rear of the police car. When Officer Kier opened the car door, Mr. Menas explained that his head was itchy. [Officer] Kier released Mr. Menas from custody and [completed] the call.[4]

At 3:32 a.m., the Plum [Borough] Police were dispatched to a 911 call of a burglary home invasion at the Menas home. At 3:35 a.m., Mrs. Menas advised Allegheny County 911 that she heard a gunshot coming from her son's bedroom. At 3:37 a.m., the Plum [Borough] Police arrived on the scene. At 3:40 a.m., Plum [Borough] Police confirmed for 911 dispatch that there was a male with a gunshot wound to his head. At 4:05 a.m., [the] Allegheny County Police Department Homicide [Unit was] notified and responded to investigate. County investigating officers determined that Mr. Menas died from a self-inflicted gunshot wound.

[4] It appears to be uncontested that Officer Kier did not tell Mrs. Menas that her son had expressed an intention to do self-harm, nor did he inquire into whether Mr. Menas had access to a firearm at the residence.

II.

The District Court had jurisdiction under 28 U.S.C. §§ 1331, 1343, and 1367. Our jurisdiction is conferred under 28 U.S.C. § 1291 as Mrs. Menas appeals from a final judgment entered by the District Court. We exercise plenary review over the District Court's grant of summary judgment, "applying the same standard it must apply." Morgan v. Allison Crane & Rigging LLC, 114 F.4th 214, 220 (3d Cir. 2024) (quoting Huber v. Simon's Agency, Inc., 84 F.4th 132, 144 (3d Cir. 2023)).

Summary judgment is appropriate when "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." Fed. R. Civ. P. 56(a); see also Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986). A fact is "material" if "its existence or nonexistence might impact the outcome of the suit under the applicable substantive law." Baloga v. Pittston Area Sch. Dist., 927 F.3d 742, 752 (3d Cir. 2019) (citations omitted). A dispute is "genuine" if "a reasonable jury could return a verdict for the nonmoving party." Clews v. County of Schuylkill, 12 F.4th 353, 358 (3d Cir. 2021) (quoting Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)). In its analysis under the foregoing principles, the court must view the facts in the light most favorable to the nonmoving party and must draw all reasonable inferences and resolve all doubts for the nonmoving party. Anderson, 477 U.S. at 255; Matreale v. New Jersey Dep't Mil. & Veterans Affs., 487 F.3d 150, 152 (3d Cir. 2007).

A.

To state a claim under 42 U.S.C. § 1983, a plaintiff must establish that the defendant (1) acted under color of state law and (2) "engaged in conduct that violated a right protected by the Constitution or laws of the United States." Morrow v. Balaski, 719 F.3d 160, 165–66 (3d Cir. 2013). Here, Mrs. Menas invokes the Fourteenth Amendment's Due Process Clause, contending that her son was entitled to proper medical treatment while he was in police custody. We have held that "the Due Process Clause of the Fourteenth Amendment provides pre-trial detainees at least as much protection for personal security as the level guaranteed to prisoners by the Eighth Amendment." Palakovic v. Wetzel, 854 F.3d 209, 222 (3d Cir. 2017). On-duty police officers like Kier and Skunda plainly act under color of law when they take individuals like Mr. Menas into custody for criminal offenses like driving under the influence, so the first element is not contested.

To succeed on a violation of the constitutional right to medical care, a plaintiff must demonstrate (1) "a serious medical need" and (2) "acts or omissions . . . that indicate a deliberate indifference to that need." Thomas v. City of Harrisburg, 88 F.4th 275, 281 (3d Cir. 2023) (citations omitted). The record is devoid of any suggestion that Mr. Menas suffered any physical injury during the brief time—less than two hours—that he was in police custody. Recognizing this, the medical intervention Mrs. Menas contends the officers overlooked related to her son's "mental health care"—more precisely, the officers' deliberate indifference to Mr. Menas's "vulnerability to commit suicide." Menas Br. 14.

We have adopted a "vulnerability to suicide jurisprudence" in a series of cases, the most recent of which is Palakovic. See also Colburn v. Upper Darby Twp. (Colburn I), 838 F.2d 663 (3d Cir. 1988); Colburn v. Upper Darby Twp. (Colburn II), 946 F.2d 1017 (3d Cir. 1991); Woloszyn v. County of Lawrence, 396 F.3d 314 (3d Cir. 2005). Those cases have "addressed claims that prison officials violated the Constitution by failing to protect pre-trial detainees from harming themselves." Palakovic, 854 F.3d at 221.[5] This approach is a "more specific application of the general rule set forth in Estelle v. Gamble, 429 U.S. 97, 104 (1976), which requires that prison officials not be deliberately indifferent to the serious medical needs of prisoners. In essence, a 'particular vulnerability to suicide' is just one type of 'serious medical need.'" Id. at 222 (quoting Colburn II, 946 F.2d at 1023). A plaintiff seeking to hold a prison official liable for failing to prevent a detainee's suicide must show:

> (1) that the individual had a particular vulnerability to suicide, meaning that there was a "strong likelihood, rather than a mere possibility," that a suicide would be attempted;
>
> (2) that the prison official knew or should have known of the individual's particular vulnerability; and
>
> (3) that the official acted with reckless or deliberate indifference, meaning something beyond mere negligence, to the individual's particular vulnerability.

[5] We recognize that the brief duration of Mr. Menas's custody distinguishes this case from the typical circumstance in which failure to prevent suicide cases arise—namely, when the suicide occurs in a detention facility following a judicial determination to hold the detainee pending trial. Cf. Colburn II, 946 F.2d 1020–23 (evaluating whether police department and officers were liable for a woman's suicide after she was arrested and while she was detained on charges of public intoxication). Nevertheless, we concur with the parties and the court below that the legal framework outlined in Palakovic and similar cases applies here.

Id. at 223–24 (citations omitted).

1.

We address the first two elements together. The relatively brief duration of the officers' encounter with Mr. Menas and the parties' helpful stipulation of facts, which includes a detailed timeline, simplify our task on appellate review. "A particular individual's vulnerability to suicide must be assessed based on the totality of the facts presented." Palakovic, 854 F.3d at 230. We have previously observed that "prison officials 'know' of a particular vulnerability to suicide where they have had actual knowledge of a history of suicide attempts or a diagnosis identifying suicidal propensities." Id. (citing Colburn II, 946 F.2d at 1025 n.1). While that formulation is by no means exclusive, it provides some insight into the quantum of information necessary to place an officer on notice that a detainee may be constitutionally entitled to mental health intervention because of suicidal thoughts or actions.

Here, again construing the record in the light most favorable to Mrs. Menas, the sole indications of suicidal ideation on the part of Mr. Menas consisted of several statements while in custody that he "wanted to harm himself" and that he "wanted to kill himself," App. 192, and Mr. Menas's striking of his head on the plexiglass partition in the rear of the police car when he arrived at his residence. Notably, the officers did not ignore these actions. Rather, according to the stipulated facts, after Mr. Menas's statements that he wished he were dead, both Officers Kier and Skunda "separately asked Mr. Menas if he needed help." Id. at 5. The stipulated facts further establish that "Mr.

Menas stated that he did not want help, did not want [to be] taken to the hospital, and denied that he intended to harm himself." Id. The record is devoid of any further mention by Mr. Menas of any wish to be dead, to kill himself, or to do self-harm after the officers' inquiries. Similarly, when Officer Kier returned to the vehicle just prior to releasing Mr. Menas from custody, the stipulated facts state only that Mr. Menas "explained that his head was itchy." Id. There is nothing in the record indicating that Mr. Menas's contact with the plexiglass drew blood, left a bruise, or signaled in any other way an attempt to inflict real harm that should have been evident to Officer Kier. Nor does the record reflect that Mr. Menas repeated his prior statements about wanting to be dead or to kill himself as he left the car.

The facts of record here fall well short of establishing a triable issue concerning Mr. Menas's vulnerability to suicide. Cf. Palakovic, 854 F.3d at 229–30 (reversing dismissal of complaint where detainee who committed suicide in custody "disclosed to prison personnel his history of suicide attempts, including an attempt in the recent past, his periodic thoughts of both self-harm and suicide, and even that he had made specific plans about how he would go about killing himself"). In the less than two hours that lapsed between the start of Mr. Menas's time in custody and his release, the officers learned very little about him. They were unaware of any history of mental health issues or prior suicide attempts; certainly nothing of that nature was volunteered by Mr. Menas. After he mentioned a desire to be dead and a wish to kill himself, the officers offered help, including professional intervention at a local hospital. Mr. Menas declined and said nothing more to indicate further distress. Indeed, the parties have stipulated that he slept

during the car ride home. Finally, the striking of his head on the plexiglass partition followed by a plausible explanation for that admittedly unusual behavior does not support a suggestion that Mr. Menas had a particular vulnerability to suicide at that moment.

2.

The record likewise does not support any suggestion that the Defendant Officers exhibited "deliberate indifference" to the signs of distress that Mr. Menas displayed during his brief time in custody. Deliberate indifference demands "something more culpable on the part of the officials than a negligent failure to recognize the high risk of suicide." Woloszyn, 396 F.3d at 320 (quoting Colburn II, 946 F.2d at 1025). In this instance, the stipulated facts indicate that the officers interacted appropriately with Mr. Menas after he spoke of wishing he were dead and killing himself, including by offering to transport him to a hospital. On these facts, any suggestion that the officers had a legal duty to overrule Mr. Menas's declination and force medical treatment on him cannot be sustained.

Indeed, in some respects the officers' conduct demonstrated the opposite of indifference. For example, Officer Kier himself drove Mr. Menas home rather than taking Mrs. Menas up on her offer to drive out to the police station after midnight. With the benefit of hindsight, one might wish that Officer Kier had mentioned Mr. Menas's unusual behavior and concerning statements to Mrs. Menas. Perhaps he did, but there is no evidence to that effect. Regardless, in light of all that Officers Kier and Skunda did to

assist Mr. Menas, that oversight does not come close to the level of culpability that might permit a reasonable jury to find deliberate indifference.

B.

The final issue for resolution relates to potential liability on the basis of a "state created danger to the risk of suicide upon [Mr. Menas's] release." App. 6. While it is not abundantly clear from Mrs. Menas's brief that she intends to press this argument on appeal, she raised it below and we address it in the interest of completeness.

As the District Court correctly observed, courts consistently have held that "in the context of post-custody harm by suicide or third parties, state actors are not liable." App. 11 (compiling cases). Mrs. Menas has not cited—nor has our research uncovered—any case to the contrary. This principle follows from the Supreme Court's recognition that "a State's failure to protect an individual against private violence simply does not constitute a violation of the Due Process Clause." DeShaney v. Winnebago Cnty. Dep't of Soc. Servs., 489 U.S. 189, 197 (1989).

The Court of Appeals for the First Circuit's decision in Coscia v. Town of Pembroke, 659 F.3d 37 (1st Cir. 2011), is on point. As here, the plaintiff claimed that the defendant police officers "failed to provide medical services for the decedent who threatened suicide in police custody, as an alleged consequence of which he killed himself some fourteen hours after [his] release." Id. at 38. The detainee in that case presented as a more serious risk of suicide than Mr. Menas in that he told officers that "he intended to throw himself in front of a train," he continued to "utter suicide threats at the

station house," and he "lick[ed] an electrical outlet." Id. Nevertheless, "follow[ing] an evaluation protocol that showed a high suicide risk," he was released on his own recognizance about seven hours after his arrest. Id. at 39. The next morning, he followed through on the plan articulated to the officers, stepping in front of an oncoming train. Id. In an opinion by Associate Justice Souter, sitting by designation, the court held that "in the absence of a risk of harm created or intensified by state action there is no due process liability for harm suffered by a prior detainee after release from custody in circumstances that do not effectively extend any state impediment to exercising self-help or to receiving whatever aid by others may normally be available." Id. at 41; see also Lewis v. County of San Bernardino, 558 F. App'x 735, 737 (9th Cir. 2014) (affirming dismissal of Section 1983 claim where "decedent killed himself 12 hours after he was released from custody and had returned home to Las Vegas"); Collignon v. Milwaukee County, 163 F.3d 982, 987 (7th Cir. 1998) ("[P]laintiffs cannot base their claims on the assertion that [the county jail's psychiatrist] or Milwaukee County had an obligation to stop [the decedent] from committing suicide once he had been released from the jail.").

We agree with our sister Courts of Appeals that, absent state-created impediments to a prior detainee's ability to resort to self-help or receive other ordinarily available aid, "there is no due process liability for harm suffered by a prior detainee after release from custody." Coscia, 659 F.3d at 38. No such impediments have been identified here, and the tragic suicide of Mr. Menas indisputably occurred after he was released from custody at his mother's home.

III.

For the reasons stated above, we will affirm the District Court's grant of summary judgment against Mrs. Menas and in favor of all Defendants.