

**NOT PRECEDENTIAL**

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 25-3020

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SHAMEL JONES,  
Appellant

v.

SUPERINTENDENT JOHN E. WETZEL, Secretary of Pennsylvania Department of Corrections; GEORGE M. LITTLE; KELLY LONG, Mail Room Supervisor at SCI-Phoenix; FEDEX SHOPPING AND GROUND MAIL SERVICES CARRIERS

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On Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
(D.C. Civil Action No. 2:22-cv-01190)  
District Judge: Honorable Cynthia M. Rufe

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Submitted Pursuant to Third Circuit LAR 34.1(a)  
October 5, 2026

Before: MATEY, MONTGOMERY-REEVES, and NYGAARD, *Circuit Judges*

(Opinion filed October 8, 2026)

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OPINION\*

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PER CURIAM

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

Appellant Shamel Jones, a Pennsylvania state prisoner proceeding in forma pauperis, appeals pro se from the District Court's order granting summary judgment in favor of Appellees, John Wetzel, George Little, and Kelly Long. For the following reasons, we will affirm the District Court's judgment.

In 2022, Jones filed a complaint pursuant to 42 U.S.C § 1983 in the United States District Court for the Eastern District of Pennsylvania against "Inmate Mail Room Supervisor" Long, Acting Secretary of the Department of Corrections ("DOC") Little, and FedEx Shipping & Mail Carrier Handling Services ("FedEx"). His operative complaint, which also names Superintendent Wetzel, alleges numerous violations of his constitutional rights under the First, Eighth, and Fourteenth Amendments, based on his conditions of confinement in the Management Control Unit ("MCU")<sup>1</sup> and the alleged loss of his property by the DOC and FedEx.

Wetzel, Long, and Little jointly moved for summary judgment, which the District Court granted, concluding that Jones had failed to exhaust his administrative remedies as to his retaliation claim and that he failed to adduce sufficient evidence to sustain his burden on the other claims. The District Court also noted, "FedEx has never been served, nor have they entered an appearance in this litigation. Further, Jones accepted compensation from FedEx for the missing [property]." ECF 151 at 4 n.26. Jones timely appealed.

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<sup>1</sup> The MCU "serve[s] as a release option for inmates from the Restricted Release List (RRL), but who are not approved to return to a standard general population housing unit." ECF 144-4 at 2.

We have jurisdiction pursuant to 28 U.S.C. § 1291.<sup>2</sup> We exercise plenary review over the District Court’s grant of summary judgment, *see Barna v. Bd. of Sch. Dirs. of Panther Valley Sch. Dist.*, 877 F.3d 136, 141 (3d Cir. 2017), and may affirm the judgment on any basis supported by the record. *See Murray v. Bledsoe*, 650 F.3d 246, 247 (3d Cir. 2011) (*per curiam*).

Jones raises two challenges on appeal. First, he argues that the District Court erred in functionally dismissing FedEx based on a lack of proper service. However, we need not resolve that argument. Even assuming that FedEx should not have been dismissed for lack of service (and could count as a state actor for purposes of § 1983), Jones’s allegations against FedEx are limited to his contention that the loss of his property constitutes multiple violations of his Fourteenth Amendment rights which, as we explain below, plainly fails on the merits. *See Freeman v. Lincalis*, 158 F.4th 166, 181 (3d Cir. 2025) (affirming dismissal of *Bivens* claims despite finding that the district court erred in dismissing for improper service under Rule 4(m)).

Second, in arguing that the District Court’s grant of summary judgment was improper, Jones repeatedly contends that the District Court “ignored” all of his evidence in support of his claims. He fails to make any substantive and coherent arguments challenging the District Court’s analysis and conclusions; he has thus arguably forfeited

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<sup>2</sup> Although the District Court did not explicitly dismiss FedEx, the record indicates that FedEx was never served with any of Jones’s complaints. And because a named defendant who has not been served is not a “part[y] within the meaning of [Federal Rule of Civil Procedure] 54(b)” *United States v. Studivant*, 529 F.2d 673, 674 n.2 (3d Cir. 1976), the District Court’s judgment is final for purposes of § 1291.

his challenge to the District Court’s grant of summary judgment. *See Barna*, 877 F.3d at 145-46 (“We have consistently refused to consider ill-developed arguments or those not properly raised and discussed in the appellate briefing.” (citation modified)). Even so, we will briefly address his concerns.

The District Court properly concluded that Jones failed to exhaust his retaliation claims. “Under the [Prison Litigation Reform Act], prisoners who seek to challenge their conditions of confinement must exhaust all available administrative remedies.” *Prater v. Dep’t of Corr.*, 76 F.4th 184, 203 (3d Cir. 2023) (citing 42 U.S.C. § 1997e(a)).

Jones identified three instances of alleged retaliation in his complaint: his placement in the MCU, the mail room’s failure to mail his civil complaint, and an alleged threat to drop his complaint. As the District Court explained, while Jones did file a grievance regarding his placement in the MCU, he did not appeal that grievance to the highest level. Further, he conceded that he neglected to file a grievance regarding the other two alleged retaliatory incidents. And the evidence he argues the District Court ignored does not indicate that the administrative remedies were “unavailable.” *Cf. Robinson v. Superintendent Rockview SCI*, 831 F.3d 148, 153 (3d Cir. 2016) (explaining that a prisoner need not exhaust remedies if they are not “available”); *Talley v. Clark*, 111 F.4th 255, 265 (3d Cir. 2024).

As to Jones’s Eighth Amendment claims regarding his conditions of confinement, the District Court granted summary judgment because he had not presented evidence showing that he was denied “the minimal civilized measure of life’s necessities.” *Farmer v. Brennan*, 511 U.S. 825, 834 (1994). Jones’s assertion that the court ignored evidence is

unavailing. The District Court explicitly considered the facts that Jones argues support his claims, including, inter alia, the prohibition on contact visits, lack of access to general population programming, and a lack of proper exercise equipment, and properly concluded he had failed to establish an Eighth Amendment violation. *See Trujillo v. Williams*, 465 F.3d 1210, 1225 n.17 (10th Cir. 2006) (holding prisoner’s allegations of limited access to employment, education, housing assignment, religious programming, recreation time and equipment, telephone and commissary did not state an Eighth Amendment claim).

We likewise agree that Jones’s Fourteenth Amendment due process claims fail. Jones argues that he has a protected liberty interest in placement in general population housing, and that Long and FedEx violated his Fourteenth Amendment rights in connection with shipping the lost property. As for his procedural due process claim, contrary to Jones’s belief, “the Due Process Clause does not give an inmate a liberty interest in being housed in a particular institution or at a particular custody level.” *Chavarriaga v. New Jersey Dep’t of Corr.*, 806 F.3d 210, 225 (3d Cir. 2015) (citation modified); *see Sheehan v. Beyer*, 51 F.3d 1170, 1174 (3d Cir. 1995) (“An inmate does not have a right to be placed in the cell of his choice.”).<sup>3</sup> Similarly, negligent or unauthorized intentional deprivations of property by state employees are not actionable under the

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<sup>3</sup> Jones argues that the District Court “ignored” a “DOC contract” providing for his placement in general population after completion of a step-down program. However, that document merely explains that, with successful completion of the program, a prisoner “*may be reviewed* for [Restricted Release List] removal,” which Jones was. ECF 144-17 at 7.

Fourteenth Amendment “if a meaningful postdeprivation remedy for the loss is available.”<sup>4</sup> *See Hudson v. Palmer*, 468 U.S. 517, 533 (1984). The DOC grievance procedure provides such a remedy, *see, e.g., Tillman v. Lebanon Cnty. Corr. Facility*, 221 F.3d 410, 422 (3d Cir. 2000), and the record shows that Jones utilized the grievance system after his property was lost.<sup>5</sup>

We also discern no error in the District Court’s rejection of Jones’s equal protection claim. Jones alleges that his rights are violated based on the inequitable treatment between inmates in the MCU and in general population. However, he does not argue—in the District Court or on appeal—that he is being treated differently from other inmates in the MCU, who are similarly situated to him. *See Children’s Health Def., Inc. v. Rutgers, the State Univ. of N.J.*, 93 F.4th 66, 84 (3d Cir. 2024) (“[T]o bring a successful equal protection claim, plaintiffs must demonstrate that they received different treatment from that received by other individuals similarly situated.” (citation modified)).

We agree that summary judgment was warranted regarding Jones’s claim for lack of access to religious services, which the District Court also construed as a claim under the First Amendment and the Religious Land Use and Institutionalized Persons Act, because Jones did not point to any evidence showing that his right to free exercise of religion was “substantially burdened.” *See Washington v. Klem*, 497 F.3d 272, 277-78

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<sup>4</sup> The crux of Jones’s claim appears to be his belief that Long and FedEx failed to comply with FedEx’s shipping policy. However, a private company’s internal shipping procedures are not a source of constitutionally protected rights.

<sup>5</sup> Jones also accepted compensation from FedEx: a check for \$157.86.

(3d Cir. 2007). Jones does not challenge this assertion on appeal; he focuses on alleged contradictions between statements made by prison officials in a grievance and policy at SCI Greene—which he argues the District Court failed to review. Contrary to Jones’s belief, it is clear from the District Court’s opinion that it engaged with his concerns and reviewed the prison policies at SCI Greene. *Cf. Fed. Trade Comm’n v. Penn State Hershey Med. Ctr.*, 838 F.3d 327, 341 (3d Cir. 2016) (noting “the District Court was not required to cite every piece of evidence it received, or even on which it relied”).

We also agree with the District Court that Jones failed to present sufficient evidence to sustain his claim that the loss of his property resulted in the denial of his right to access the courts. An inmate raising an access-to-courts claim must allege an “actual injury”—that he lost a chance to pursue a nonfrivolous or arguable claim challenging his convictions. *See Rivera v. Monko*, 37 F.4th 909, 915 (3d Cir. 2022). Jones alleged that the lost property included DNA evidence and affidavits that would establish his innocence of the crime of which he was convicted and that the loss of his items prevented his filing of a timely successive PCRA petition. However, as the District Court stated, he neglected to identify the underlying claim, let alone allege any facts about its merits, or explain how it would have been timely. *See Monroe v. Beard*, 536 F.3d 198, 205-06 (3d Cir. 2008) (per curiam) (explaining that “[t]he complaint must describe the underlying arguable claim well enough to show that it is “more than mere hope”).

Finally, we agree that Jones’s supervisory liability claim fails because his underlying constitutional claims are meritless. *See Santiago v. Warminster Twp.*, 629 F.3d 121, 130 (3d Cir. 2010) (“[A]ny claim that supervisors directed others to violate

constitutional rights necessarily includes as an element an actual violation at the hands of subordinates.”).

Accordingly, we will affirm the District Court’s judgment.