

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1118

LUCAS GUGGENHEIMER,
Appellant

v.

WELLPATH, LLC; MAEPEARL ST. GEORGE, Physician's Assistant at SCI-Benner

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Civil Action No. 3:24-cv-02242)
District Judge: Honorable Joseph F. Saporito, Junior

Submitted for Possible Dismissal Pursuant to 28 U.S.C. § 1915(e)(2)(B) or
Summary Action Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6

July 30, 2026

Before: BIBAS, PHIPPS, and NYGAARD, *Circuit Judges*

(Opinion filed August 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.

Lucas Guggenheimer, he is an inmate and proceeding pro se and in forma pauperis, appeals the District Court’s dismissal of his complaints for failure to state a claim. We will summarily affirm.

I.

Guggenheimer alleged in his first amended complaint that he had surgery on polyps in his urethra in February 2022 and needed to use a catheter. In early April 2022, Guggenheimer told a urologist that his urination issues reemerged. In late April and May 2022, he requested an appointment with a urologist and an alternative lubricant for his catheter because his lubricant burned. Guggenheimer saw a physician’s assistant, Maepearl St. George, the day after his May request. She was “indifferent” to his reports that the lubricant burned and told him she would schedule an appointment with a urologist, which took place two months later. ECF No. 27 at 5. In the July appointment, the urologist recommended another surgery, which he underwent in September. In October, a certified registered nurse practitioner told Guggenheimer that a “softer” lubricant existed, but it was on back order. ECF No. 27 at 5–6. In a November urology appointment, Guggenheimer reported continuing problems with urination and asserted that the surgery was not successful—the urologist told him that his symptoms could be attributable to an over distended bladder. In December, Guggenheimer asked when he would get a softer lubricant; later that day, St. George informed him that the lubricant was still on backorder and prescribed a different one. Another physician’s assistant told

Guggenheimer not to use it.¹ In May 2023, testing showed his bladder was “dysfunctional” as a result from holding in too much urine. ECF No. 27 at 6. Only having access to a lubricant that burned Guggenheimer made catheterization painful and forced him to decrease the frequency of catheterization, leading to the distention of his bladder.

According to Guggenheimer, the actions of St. George and Wellpath, the provider of provider of medical services, were the result of negligence and deliberate indifference, violating his rights under the Eighth Amendment.

The District Court granted the defendants’ motion to dismiss for failure to state a claim but gave Guggenheimer leave to amend. In his second amended complaint, Guggenheimer alleged the same facts and expanded on the timeline spent requesting and waiting for an alternative lubricant. He tried to get an alternative lubricant in January and June 2023, and, though he has since received an alternative, it is often out of stock.

But Guggenheimer dropped many of his claims, alleging only that Wellpath was negligent for not providing him with adequate lubricant and that St. George was negligent for delaying the scheduling of his surgery.

The District Court sua sponte dismissed his second amended complaint for lack of subject matter jurisdiction and determined that granting further leave to amend would be futile. This appeal followed.

¹ Guggenheimer does not allege that he used this lubricant. Indeed, he implies that he did not do so, noting that the lubricant “could have seriously harmed me *if* I used it for catheterization.” ECF No. 27 at 7 (emphasis added).

II.

We have jurisdiction under 28 U.S.C. § 1291. We review dismissal under Federal Rule of Civil Procedure 12(b)(6) and for lack of subject matter jurisdiction de novo. *See Umland v. PLANCO Fin. Servs.*, 542 F.3d 59, 63–64 (3d Cir. 2008); *Metro. Life Ins. Co. v. Price*, 501 F.3d 271, 275 (3d Cir. 2007). “[W]e review the District Court’s denial of leave to amend for abuse of discretion, and review de novo its determination that amendment would be futile.” *U.S. ex rel. Schumann v. Astrazeneca Pharm. L.P.*, 769 F.3d 837, 849 (3d Cir. 2014). We may summarily affirm if an appeal fails to present a substantial question. *See* 3d Cir. L.A.R. 27.4; I.O.P. 10.6.

III.

To state a claim under 42 U.S.C. § 1983 based on a violation of the Eighth Amendment, Guggenheimer must show that (1) a prison official was deliberately indifferent to his medical needs and (2) his medical needs were serious. *Pearson v. Prison Health Serv.*, 850 F.3d 526, 534 (3d Cir. 2017). This Court has found deliberate indifference “where the prison official (1) knows of a prisoner’s need for medical treatment but intentionally refuses to provide it; (2) delays necessary medical treatment based on a non-medical reason; or (3) prevents a prisoner from receiving needed or recommended medical treatment.” *Rouse v. Plantier*, 182 F.3d 192, 197 (3d Cir. 1999) (citation omitted). Allegations of negligence or disagreement as to proper medical treatment are insufficient. *Id.*; *Monmouth Cnty. Corr. Institutional Inmates v. Lanzaro*, 834 F.2d 326, 346 (3d Cir. 1987).

As Guggenheimer failed to state a claim of a constitutional violation, let alone a violation that was caused by Wellpath's policy or custom, the District Court correctly dismissed his claims against Wellpath. *See Palakovic v. Wetzel*, 854 F.3d 209, 232 (3d Cir. 2017) ("To state a claim against a private corporation providing medical services under contract with a state prison system, a plaintiff must allege a policy or custom that resulted in the alleged constitutional violations at issue.") (citation omitted).

Guggenheimer alleged that there was a delay in obtaining surgery based on the non-medical reason of Wellpath's financial incentive to delay treatment, but he did not explain how delaying his treatment financially benefited Wellpath let alone support his bald assertion that they had such a policy. He also alleged that the delay in obtaining a back-ordered alternative lubricant was because Wellpath did not stockpile it;² however, he did not show how failure to accumulate extra lubricant amounted to deliberate indifference to his medical needs.

Guggenheimer's allegation that St. George delayed his surgery by not fast tracking his urology appointment request also fails to state a claim. Guggenheimer did not allege that she deliberately delayed treatment for a non-medical reason.

After dismissing Guggenheimer's federal claims in his first amended complaint, the District Court acted within its discretion to decline to exercise supplemental

² As to the alternative lubricant that was prescribed for four days that was marked for external use, Guggenheimer has not alleged facts that rise to deliberate indifference, or even if he was harmed. *Lanzaro*, 843 F.2d at 346.

jurisdiction over Guggenheimer's state-law negligence claims. *See Figueroa v. Buccaneer Hotel Inc.*, 188 F.3d 72, 181 (3d Cir. 1999). The District Court properly sua sponte dismissed Guggenheimer's negligence claims in his second amended complaint on the basis of subject matter jurisdiction.

Because the appeal does not present a substantial question, we will summarily affirm the judgment of the District Court.