"***We*** … The **People**"

William "**Lewdo**" **L**ewis, **J**r.

Monique "**MoBetta**" **H**olmes

SUPREME JUSTICE

A York County Fight *for* Civil Rights & Due Process

by

*William "**Lewdo**" Lewis, Jr.*

&

*Monique "**MoBetta**" Holmes*

In Pursuit of Justice

United States of America
2026

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The authors are **not attorneys**. Before undertaking this litigation themselves, they sought assistance and representation from approximately **100 attorneys, legal organizations, civil-rights groups, advocacy organizations,** and **other legal resources, with those outreach efforts** and **related correspondence documented** and **submitted as part of the record**.

Unable to secure meaningful counsel willing to undertake the matter, and choosing not to abandon their claims and remain silent. They, *instead*, researched law, documented constitutional injuries, preserved the record, and pursued the judicial process *themselves*.

Accordingly, this book should be understood for what it is: **the authentic record of two citizens representing themselves in an actual constitutional and civil-rights struggle – not a demonstration of how a licensed attorney would necessarily draft, argue, structure, or litigate the same case.**

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The authors write here as **Petitioners, witnesses, researchers, documentarians, and individuals living through the events described – not as attorneys providing professional legal services.**

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No confidential, sealed, or privileged material is knowingly published as public-record material.

Independent Review Encouraged

Readers are encouraged to examine the publicly available court records, review the underlying proceedings for themselves, study the applicable constitutional and statutory authorities, and reach their own conclusions.

This work does not demand agreement.

It preserves the record of citizens who asked for help, continued when that help did not come, and chose to place their fight for due process, civil rights, family, constitutional protections, and governmental accountability before the American judicial system.

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No. _______

IN THE
Supreme Court of the United States

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(1) **WILLIAM EDGAR LEWIS**, **JR**, a.k.a. ***LEWDO***,
and
(2) **MONIQUE NATÉ HOLMES**, a.k.a. ***MOBETTA***
Petitioners, *Pro Se*
v.
TRACEY L. CHANCE, et al.
Respondents

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Third Circuit

PETITION FOR A WRIT OF CERTIORARI

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(1) William Edgar Lewis, Jr., a.k.a. ***Lewdo***
(2) Monique Naté Holmes, a.k.a. ***MoBetta***
Lewdo@Lewdo.com | MoBetta@BettaEdibles.com

Certiorari

QUESTIONS PRESENTED

Whether a federal court may dismiss verified civil-rights claims at Rule 12 by treating judicially noticed state-court paperwork as conclusive proof of notice, service, access, and due process, where the plaintiffs allege that private parties and their counsel jointly used state judicial, police, and sheriff processes to cause constitutional injuries, and that the proceedings could not be verified, accessed, appeared in, or defended through the court system that later treated them as valid.

PARTIES TO THE PROCEEDING AND RELATED PROCEEDINGS

Parties to the Proceeding:

Petitioners:

(1) **William Edgar Lewis**, **Jr**., a.k.a. ***Lewdo***, and

(2) **Monique Naté Holmes**, a.k.a. ***MoBetta***,

who were Appellants in the United States Court of Appeals for the Third Circuit and Plaintiffs in the United States District Court for the Middle District of Pennsylvania.

Respondents:

(1) **Tracey L. Chance**;

(2) **Wayne Chance**;

(3) **MA'AT**, *a minor*;

(4) **Nautica D**. **Chance**, *in her individual capacity and official capacity as paralegal for MPL Law Firm*;

(5) **Suzanne H**. **Griest**, *in her individual capacity and official capacity as attorney for MPL Law Firm*;

(6) **MPL Law Firm LLP**, *a professional legal entity*.

Petitioners are natural persons. No corporate disclosure statement is required for Petitioners.

Related Proceedings

This case arises from the following proceedings:

1. **United States District Court for the Middle District of Pennsylvania:**
   Lewis, et al. v. Chance, et al., Civil Action No. **1**:**25-cv-00446**. Judgment was entered dismissing the action.
2. **United States Court of Appeals for the Third Circuit**:
   Lewis, et al. v. Chance, et al., No. **26-1138**. The Court of Appeals affirmed the District Court's judgment on **June 26**, **2026**.
3. **United States Court of Appeals for the Third Circuit**:
   Lewis, et al. v. Chance, et al., No. **26-1138**. Petitioners filed a combined petition for panel rehearing and rehearing en banc, which was denied on **July 24**, **2026**.

There are no other proceedings in this Court directly related to this petition.

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The opinion of the United States Court of Appeals for the Third Circuit was entered on **June 26**, **2026**, and is designated **not precedential**. It is reproduced at **Appendix A**.

The judgment of the United States Court of Appeals for the Third Circuit was entered on **June 26**, **2026**, and is reproduced at **Appendix B**.

The order of the United States Court of Appeals for the Third Circuit denying Petitioners' combined petition for panel rehearing and rehearing en banc was entered on **July 24**, **2026**, and is reproduced at **Appendix C**. The order states that the petition was submitted to the panel judges and the available active circuit judges, that no judge who concurred in the decision requested rehearing, and that a majority of active judges did not vote for rehearing en banc.

The order of the United States District Court for the Middle District of Pennsylvania dismissing Petitioners' action was entered on **December 8**, **2025**, and is reproduced at **Appendix D**.

The order of the United States District Court for the Middle District of Pennsylvania denying Petitioners' motion to declare proceedings void and imposing a docket-specific filing restriction was entered on **December 29**, **2025**, and is reproduced at **Appendix E**.

The Report and Recommendation recommending dismissal of Petitioners' complaint was entered on **October 21, 2025**, and is reproduced at **Appendix F**.

The Report and Recommendation addressing Petitioners' default motions was entered on **October 21, 2025**, and is reproduced at **Appendix G**.

JURISDICTION

The United States Court of Appeals for the Third Circuit entered its opinion and judgment on **June 26**, **2026**. Petitioners timely filed a combined petition for panel rehearing and rehearing en banc. The Court of Appeals denied rehearing on **July 24**, **2026**.

This petition is timely under Supreme Court Rules 13.1 and 13.3 because it is being mailed by the United States Postal Service Priority Mail Express, within **90 days** of the **July 24**, **2026** order denying rehearing.

This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The **Fourteenth Amendment** to the United States Constitution provides, in relevant part:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

42 U.S.C. § 1983 provides, in relevant part:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured.

Federal Rule *of* Civil Procedure 12(b)(6) provides:

Every defense to a claim for relief in any pleading must be asserted in the responsive pleading if one is required. But a party may assert the following defense by motion:

…

(**6**) failure to state a claim upon which relief can be granted.

Federal Rule *of* **Evidence 201(b)** provides:

The court may judicially notice a fact that is not subject to reasonable dispute because it:
(**1**) is generally known within the trial court's territorial jurisdiction; or
(**2**) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

Federal Rule *of* **Civil Procedure 15(a)(2)** provides:

In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.

STATEMENT OF THE CASE

I. Petitioners Alleged that Private Parties and Counsel Used State Judicial, Police, and Sheriff Processes to Cause Concrete Constitutional Injuries.

Petitioners, **William Edgar Lewis**, **Jr**. a.k.a. ***Lewdo*** and **Monique Naté Holmes** a.k.a. ***MoBetta***, appearing ***pro se***, filed a verified civil-rights complaint in the **United States District Court for the Middle District of Pennsylvania**.

The complaint arose from a sequence of events beginning on **December 25, 2024**, when a **York County** emergency protection matter, **No. 2024-MI-000581**, allegedly reflected a Christmas evening entry denying emergency relief. Petitioners alleged that, despite that denial, additional protection-from-abuse paperwork and enforcement consequences followed the following morning and thereafter.

The complaint did not allege only private family conflict or ordinary legal representation. It alleged that private parties, private counsel, law-firm personnel, judicial-center personnel, police, and sheriff-related actors *jointly* used state processes to impose *concrete* consequences. Petitioners alleged that those consequences included the permanent removal of Holmes' child from her home, interference with parental rights, confiscation of Lewis' firearms and firearms license, financial enforcement, and continuing legal disabilities.

The record includes filings alleging permanent removal of Holmes' minor child, interference with parental rights through a disputed custody-stipulation packet, confiscation of Lewis' firearms and license, Second Amendment and due-process interests, financial penalties, support enforcement, and other consequences allegedly imposed under color of law.

Petitioners alleged that the role of private counsel and law-firm personnel was not limited to *passive* representation. They alleged that counsel and a law-firm paralegal transmitted custody-stipulation materials, invoked the disputed protection process, and continued pressing consequences against Holmes even though Petitioners alleged that Holmes had **NO RESTRICTIONS** against her.

The record further reflects Petitioners' allegation that the custody-stipulation packet was crafted by **MPL's** attorney and paralegal, that the paralegal was related to the private parties involved, and that the packet was later used to permanently remove the child and affect custodial rights.

Petitioners alleged that this sequence caused injuries to both Petitioners in different ways. As to **Holmes**, Petitioners alleged that she had no operative restrictions against her, yet her parental relationship was affected through the same disputed process and a custody-stipulation packet she did not accept. As to **Lewis**, Petitioners alleged that firearms and a firearms license were confiscated based on the challenged protection process. Petitioners alleged that the challenged paperwork did not merely result in temporary confiscation, but produced continuing firearm-related disabilities affecting Lewis's ability to lawfully possess, recover, or purchase firearms.

Petitioners further alleged that these consequences were not merely temporary. By the time this matter reaches this Court, the child whose removal was at issue is approaching or has reached adulthood, and the parent-child time allegedly lost cannot be restored by later correction *alone*.

This case is procedural only in form. In **substance**, it concerns whether a mother can lose irreplaceable time with her child, whether a citizen can lose lawfully owned firearms, a firearms license, and related Second Amendment and due-process interests, and whether self-represented litigants can be denied a federal forum because the very state-court paperwork they challenge is treated as conclusive *before* discovery, hearing, or factfinding.

The judgment below also taxed costs against Petitioners, adding a further legal and financial consequence to a case in which Petitioners allege they were never afforded a meaningful forum to test the process used against them, then were taxed costs for seeking one.

II. Petitioners Alleged that the Underlying Proceedings Could Not be Verified, Accessed, Appeared In, or Defended through the Court System.

Petitioners alleged that the central defect was not merely an unfavorable state-court result. They alleged that the proceedings *themselves* could not be verified or accessed in a meaningful way when they attempted to appear and defend.

According to the complaint and related filings, the first emergency matter reflected a **December 25, 2024** entry denying relief. Petitioners alleged that, the following day, additional official-looking paperwork was served at their home. Petitioners further alleged that officers stated that **the matter involving Holmes had been denied and that she was subject to no restrictions**. Petitioners claimed that nevertheless, custody-related consequences were pressed against Holmes through a proposed stipulation and related communications.

The paperwork allegedly served on Petitioners listed a **January 6, 2025 hearing date**. When the court was closed due to inclement weather, Petitioners alleged that they **appeared at the York County Judicial Center on January 7, 2025** to verify the matters, reschedule, and protect their rights. Petitioners alleged that **court staff informed them that** the referenced matters could not be found or accessed in the system in a manner that would allow them to appear, defend, or obtain relief.

Petitioners preserved this point throughout the litigation. Their appellate briefing argued that the existence of later paperwork did not establish valid, verifiable, and constitutionally adequate process, because they had alleged that they attempted to verify, appear, defend, and access ordinary judicial channels but could not do so because the proceedings were not reflected in a verifiable way when they allegedly occurred.

Petitioners also alleged, **and the record further reflects**, that they informed counsel and law-firm personnel that the matters could not be verified, yet the challenged process continued. They alleged that counsel and law-firm personnel stated they were submitting paperwork to court, while Petitioners maintained that the referenced cases could not be found or accessed.

Petitioners further alleged that the state-court paperwork contained irregularities, including missing hearing times, signed and stamped under the penalty of perjury, altered or inconsistent identifying information, whiteout and duplicated case-number issues, while still being used to support enforcement.

Petitioners did not solicit the federal courts to sit as appellate tribunals over state-court judgments. Their claim was that the state process *itself* was inaccessible, unverifiable, and then treated as conclusive proof against them when they attempted to seek federal civil-rights relief.

III. Petitioners Filed a Verified Complaint and Attempted to Preserve the Record, but the District Court Dismissed at Rule 12 by Treating State-Court Paperwork as Conclusive.

On **March 11, 2025**, Petitioners filed their federal complaint. The complaint was **verified** and supported by **extensive materials**. Petitioners maintained that they submitted **hundreds** *of* **exhibits** from the beginning of the case, including materials they contend revealed the disputed paperwork, communications, service events, inability to verify proceedings, and enforcement consequences.

Respondents Suzanne H. Griest, **Nautica D. Chance**, and MPL Law Firm LLP moved to dismiss under Rules 12(b)(1) and 12(b)(6). They argued, among other things, that the claims were barred by Rooker-Feldman, failed to plead state action, and failed to state any cognizable federal claim. They also attached or relied on state-court docket materials and paperwork as public records.

The District Court adopted Reports and Recommendations and dismissed the action. In doing so, the District Court treated the state-court docket sheets and related materials as dispositive of Petitioners' allegations. The District Court reasoned that the state-court materials showed that one matter had been denied, another had been granted, and that Petitioners' narrative therefore "**falls apart**." It dismissed the federal claims and declined to allow amendment.

Petitioners also sought default relief against nonappearing private defendants. The filings alleged that those defendants were served by **certified mail** and later re-served through **court-issued summonses** *by* **the United States Marshals Service**, yet failed to answer, appear, or otherwise defend. Petitioners further alleged that the same defendants failed to respond to a **court-issued show-cause order**, but were still permitted to avoid ordinary default consequences.

Petitioners argued that the nonappearing parties were allowed to disregard service, Marshal re-service, and court direction, while Petitioners, as pro se civil-rights plaintiffs, were held to strict procedural standards. The District Court denied default relief on the ground that the complaint failed to state a viable claim.

Petitioners further alleged in the verified complaint that, after being unable to obtain a meaningful hearing through ordinary judicial channels, they began preserving their own accounts through written works addressing the same events:

The complaint identified Holmes' work, ***Gift of Custody: A Mother's Reckoning With a System That Takes Children and Calls It Protection***, as copyrighted with the U.S. Copyright Office, Lewis' work, ***The LOUDEST Silence: Pennsylvania on Trial: A Field Manual For Survival/Endurance***, as likewise copyrighted with the U.S. Copyright Office.

Petitioners do not raise those particular writings as publicity materials, but as part of the access-to-courts and speech context: when litigants allege that they were unable to be heard in court, their protected effort to document and preserve their narratives should not later be treated as misconduct or silenced by the procedural consequences of the very case in which that speech was disclosed.

Petitioners' current **Library of Congress identifiers** for those works are **2026919021** *for* **Gift Of Custody** and **2026916145** *for* **The LOUDEST Silence**.

Taken together, these allegations show why this petition is not a request to relitigate an ordinary domestic-relations dispute. Petitioners alleged that no court held an evidentiary hearing or otherwise tested the disputed facts concerning access, notice, service, verifiability, and due process. Yet those same disputed issues were resolved at Rule 12 by presuming the regularity of the state-court paperwork Petitioners challenged.

That procedural posture matters beyond this case: when the alleged constitutional injury is the inability to access, verify, appear in, or defend the underlying proceedings.

IV. The Court of Appeals Affirmed on Judicial-Notice and State-Action Grounds.

The United States Court of Appeals for the Third Circuit affirmed. The Court of Appeals agreed with Petitioners that Rooker-Feldman is narrow and stated that the doctrine would not apply insofar as Petitioners did not invite the federal court to sit as a state appellate tribunal. It further recognized that Rooker-Feldman does not apply when the source of injury is the defendants' actions rather than state-court judgments.

The Court of Appeals *nevertheless* held that any Rooker-Feldman error was *harmless* because Petitioners failed to plead federal civil-rights claims against what the panel described as "**exclusively non-state actors**." It further held that the complaint lacked plausible allegations of conspiracy between any defendant and a state actor.

The Court of Appeals also rejected Petitioners' Rule 12 argument by holding that courts need not accept factual allegations contradicted by matters subject to judicial notice, including records of state-court proceedings. The panel *therefore* allowed judicially noticed state-court paperwork to defeat Petitioners' *verified* allegations concerning service, notice, access, verifiability, state action, and due process.

The Court of Appeals further acknowledged that entry of default against the nonappearing defendants was proper, but held that default judgment could not be entered unless the unchallenged facts stated a legitimate cause of action. *Finally*, the panel affirmed the denial of leave to amend.

Petitioners timely filed a combined petition for panel rehearing and rehearing en banc. That petition was denied on **July 24**, **2026** after being submitted to the panel judges and the available active judges of the Third Circuit. This petition follows. It asks whether a federal court may dismiss verified civil-rights claims at Rule 12 by treating state-court docket entries and paperwork as conclusive proof of notice, service, access, and due process, where the plaintiffs alleged that private parties and counsel *jointly* used state judicial, police, and sheriff processes to cause constitutional injuries, and that the underlying proceedings could not be verified, accessed, appeared in, or defended through a court system, later treated as valid.

REASONS FOR GRANTING THE PETITION

This case presents an important federal question concerning the limits of judicial notice, the pleading standard for civil-rights claims, and the ability of federal courts to dismiss verified allegations of constitutional injury by treating disputed state-court paperwork as conclusive at Rule 12.

The Court of Appeals recognized that the Rooker-Feldman doctrine is narrow and would not apply insofar as Petitioners did not ask the District Court to sit as an appellate tribunal over a state-court judgment. Yet the court affirmed dismissal on the ground that Petitioners failed to plead federal claims against state actors and that their factual allegations were contradicted by matters subject to judicial notice.

That ruling warrants review. It permits judicial notice to become factual adjudication. It permits state-court paperwork to *conclusively* defeat allegations that the underlying proceedings could not be verified, accessed, appeared in, or defended. And it permits private parties and counsel to be treated as categorically private actors even where the alleged injuries depended on the joint use of state judicial, police, and sheriff processes.

That combination presents a serious departure from ordinary pleading-stage procedure which warrants this Court's review: the courts below did not merely apply Rule 12 to insufficient allegations; they treated the challenged paperwork as the answer to the constitutional defect alleged.

This petition does not seek ordinary error correction. It asks this Court to resolve an important federal question concerning the boundary between judicial notice and factual adjudication, and to correct a serious departure from accepted pleading-stage procedure.

When verified allegations that state proceedings were inaccessible, unverifiable, and constitutionally defective are defeated by presuming the validity of the very paperwork challenged, then federal forums promised by civil-rights law becomes a locked door – sealed shut by the same paperwork the citizen came to challenge.

I. The Decision Below Permits Judicial Notice to Become Factual Adjudication at the Pleading Stage.

A Rule 12 dismissal is supposed to test the legal sufficiency of the complaint. It is not supposed to resolve disputed facts, weigh evidence, or decide whether the defendants' version of events is more credible than the plaintiffs' verified allegations. See *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555–56 (2007); *Ashcroft v. Iqbal*, 556 U.S. 662, 678–79 (2009). At the pleading stage, well-pleaded factual allegations must be accepted as true and reasonable inferences drawn in the plaintiff's favor. That principle carries special force where pro se civil-rights plaintiffs file verified allegations concerning access, notice, and due process. See *Erickson v. Pardus*, 551 U.S. 89, 94 (2007); *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972).

The decision below departed from that rule. Petitioners alleged that the proceedings used against them could not be meaningfully verified, accessed, appeared in, or defended through the court system at the time they attempted to protect their rights. They further alleged that disputed protection-from-abuse paperwork, custody materials, police involvement, and sheriff-related enforcement were used to cause concrete constitutional injuries, including separation of mother and child, interference with parental rights, seizure of firearms and a firearms license, financial enforcement, and continuing legal consequences.

Rather than accept those allegations as true for pleading purposes, the courts below treated state-court docket entries and related paperwork as conclusive. The Court of Appeals held that district courts need not accept factual allegations contradicted by matters subject to judicial notice, including state-court records. But a court cannot treat disputed paperwork as proof of due process when the complaint alleges that the paperwork is the very instrument through which due process was denied.

Judicial notice has limits. Federal Rule of Evidence 201(b) permits notice only of facts not subject to reasonable dispute. Judicial notice can establish only that a record exists; it cannot establish that the process reflected in that record provided constitutionally adequate notice, allowed meaningful access to appear, was verifiable through the court's system, or gave Petitioners an opportunity to defend before family, property, or liberty interests were affected. It therefore could not be used at the Rule 12 stage to prove notice, access, service, and due process before Petitioners had discovery, an evidentiary hearing, or other factual development.

This case is *therefore* not about whether courts may ever consider public records at the pleading stage. They may. The question is whether courts may treat those records as conclusive proof against verified allegations where the plaintiffs allege that the state process itself was inaccessible, unverifiable, and used to cause constitutional injury. The answer given, *here*, was "**yes**."

II. The Decision Below Conflicts with this Court's State-Action Principles by Separating Private Conduct from the State Enforcement Machinery Allegedly Used to Cause the Injuries.

The Court of Appeals also affirmed dismissal because it viewed Respondents as "exclusively non-state actors" and concluded that Petitioners failed to plead a plausible conspiracy with state actors. That analysis *improperly* separates private conduct from the state authority allegedly used to accomplish the constitutional injuries.

This Court has long recognized that private parties act under color of law when they jointly participate with state officials or invoke state procedures to deprive another person of constitutional rights.

In *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 941–42 (1982), this Court held that private participation in a state-created seizure process constitutes state action.

In *Dennis v. Sparks*, 449 U.S. 24, 27–28 (1980), this Court held that private parties who are *jointly* engaged with state officials act under color of law even when the state official is immune.

And in *Adickes v. S.H. Kress & Co.*, 398 U.S. 144, 152 (1970), this Court recognized that a private party may be liable under § 1983 where there is joint participation with state authority.

Petitioners' allegations fit within that framework at the pleading stage. Petitioners alleged that private parties, private counsel, and law-firm personnel did not merely speak, advise, or litigate in a traditional private capacity. They alleged that Respondents used, invoked, and coordinated with state judicial, police, and sheriff processes to produce consequences that private persons could not impose on their own: removal of a child from her mother, alteration of parental access, seizure of firearms and a firearms license, financial enforcement, and continuing legal disabilities.

The alleged injuries required state machinery. Private parties cannot *themselves* create court orders, command sheriff enforcement, generate official custody consequences, or impose firearm disabilities through private preference *alone*. Petitioners alleged that those results occurred through the combined use of private conduct and state authority. At Rule 12, the question was not whether Petitioners had already proven the full chain of coordination. The question was whether the verified complaint plausibly alleged that the challenged injuries were caused through joint use of state process.

The Court of Appeals' contrary approach creates a dangerous pleading-stage rule. It allows a defendant to be treated as categorically private even when the alleged harm depends on state enforcement, so long as the plaintiff cannot prove the internal mechanics of the state-private coordination *before* discovery. Which is backwards. Joint-action allegations *often* require discovery because the communications, submissions, internal routing, and official decisions are controlled by the defendants or government offices.

A plaintiff who alleges concrete injuries caused by private actors using state enforcement processes should not be dismissed simply because the proof of coordination is hidden behind the very process being challenged.

Nor does the attorney status of some Respondents resolve the question. Petitioners do not claim that attorneys become state actors merely because they are officers of the court. Petitioners allege something narrower and more serious: that private counsel and law-firm personnel used disputed state-court paperwork and state enforcement channels to help impose consequences without meaningful notice, access, or opportunity to defend. **That is a joint-use-of-state-process allegation**, not a claim based solely on a lawyer's professional title.

The decision below therefore conflicts with the basic principle that § 1983 focuses on function and conduct, not labels. A private actor who merely advocates is different from a private actor who allegedly helps set state machinery in motion to deprive another person of liberty, family, or property interests without due process.

Petitioners are entitled to have that distinction tested under the correct pleading standard.

III. The Question Presented is Nationally Important because State-Court Records Control Family, Property, and Liberty Interests.

This case is important beyond Petitioners. State-court paperwork is often the gateway to immediate and serious deprivations. Protection orders, custody papers, sheriff returns, firearm restrictions, support obligations, and related enforcement materials can affect where a child lives, whether a parent may communicate with a child, whether property may be seized, whether firearms may be retained, and whether a person faces financial, legal, civil or criminal penalties.

Those consequences may be lawful when imposed through constitutionally adequate process. But when the alleged injury is that the process, *itself*, was not accessible, verifiable, or meaningfully contestable, courts must be careful not to presume the very thing in dispute. Due process requires notice and an opportunity to be heard at a meaningful time and in a meaningful manner. See *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). **Family integrity** and **parental rights** are among the most serious interests protected by the **Constitution**. See *Troxel v. Granville*, 530 U.S. 57, 65–66 (2000); *Santosky v. Kramer*, 455 U.S. 745, 753 (1982). **Property seizures** *also* require meaningful process. See *Fuentes v. Shevin*, 407 U.S. 67, 80–82 (1972).

Petitioners alleged that those interests were affected without meaningful access to the proceedings allegedly used against them. The complaint and related filings alleged that **state-issued records**, **custody materials**, **audio and video evidence**, **receipts**, **marshal certifications**, and **procedural**

logs supported their claims that private parties and counsel coordinated with public authority to impose consequences **under color *of* law**. The filings further alleged that the disputed process resulted in removal of Holmes' child, interference with parental rights through a custody-stipulation packet, confiscation of Lewis' firearms and license, financial penalties, and other consequences.

Petitioners also attempted to alert the appropriate judicial authorities by submitting two formal complaints regarding these proceedings to the **Judicial Conference of the United States Executive Committee**. The *first* complaint was submitted on **June 10**, **2025**, sent by United States Postal Service tracking number **9589 0710 5270 0104 9681 42**, and received on **June 13**, **2025**. The *second* complaint was submitted on **June 17**, **2025**, sent by United States Postal Service tracking number **9589 0710 5270 0104 9683 33**, and received on **June 23**, **2025**.

Those efforts *further* reflect that Petitioners sought institutional review *during* the litigation, but the federal case was dismissed at the pleading stage without resolving the disputed access, notice, service, and due-process questions.

That posture should alarm *this* Court. If the decision below stands – an American mother and veteran who alleges a state-court process was inaccessible or defective can be defeated by the later production of state-court paperwork *itself* – creates a record that becomes both the accusation and the answer, while the citizen is left locked outside the courthouse doors, bearing permanent consequences of the process they were never meaningfully allowed to enter.

Due process cannot operate that way.

The danger is especially acute for self-represented litigants and families drawn into emergency proceedings. A person who is told that a case cannot be found, accessed, or defended, may later face life-altering consequences from papers appearing official but were never meaningfully contestable.

Federal civil-rights law exists to provide a forum when state processes are alleged to have caused federal injury. Otherwise, the search for justice, *itself*, becomes another enforceable consequence of the disputed process.

IV. This Case is a Suitable Vehicle because the Dispositive Issues were Decided at the Pleading Stage without Factual Development.

This case cleanly presents the question. The Court of Appeals did not affirm after discovery, summary judgment, trial, or credibility findings. It affirmed at Rule 12. The verified allegations were never tested through discovery or an evidentiary hearing. No factfinder resolved whether Petitioners had meaningful notice, whether the proceedings could be verified, whether the custody-stipulation materials were validly accepted, whether Petitioners could appear and defend, or whether private actors jointly used state enforcement channels.

The Court of Appeals' opinion makes the vehicle especially clear. *First*, it recognized that Rooker-Feldman is narrow and not applicable insofar as Petitioners did not ask the federal courts to sit as appellate tribunals over state-court judgments.

That removes a potential jurisdictional obstacle and focuses the petition on Rule 12, judicial notice, state action, and due process.

The Court of Appeals therefore confirmed the central premise of this petition: **Petitioners were not seeking federal appellate review of a state judgment**, **but relief for independent constitutional injuries** allegedly caused by the use of state process *itself*.

Second, the Court of Appeals *expressly* relied on judicial notice to reject Petitioners' factual allegations. It held that courts need not accept allegations contradicted by judicially noticed matters, including state-court records.

That is the **core question presented**: whether state-court paperwork may be used in that manner when the plaintiffs allege that the proceedings reflected in that paperwork could not be verified, accessed, appeared in, or defended.

The record posture reinforces the need for review. The Court of Appeals denied Appellees' motion to file a supplemental appendix, which it also construed as a motion to expand the record. Yet the court still affirmed at Rule 12 by relying on judicially noticed state-court materials to defeat Petitioners' verified allegations.

That posture underscores the procedural problem: the case turned on the meaning, accessibility, and constitutional sufficiency of records that were never tested through discovery, hearing, or factfinding.

Third, the Court of Appeals' state-action holding is squarely presented. The panel concluded that Petitioners failed to plead claims against state actors or plausible conspiracy with state actors. But Petitioners alleged injuries that depended on state judicial, police, and sheriff authority.

This Court can clarify whether allegations of private parties and counsel jointly using state enforcement processes must be analyzed under *Lugar*, *Dennis*, and related state-action principles rather than rejected as ordinary private conduct.

Fourth, the default and amendment rulings demonstrate the consequences of the same error. The Court of Appeals acknowledged that entry of default against nonappearing defendants was proper, but held that Petitioners could not obtain default judgment unless the unchallenged facts stated a legitimate cause of action. The panel also affirmed denial of leave to amend.

Those rulings rise or fall with the pleading-stage analysis. If the complaint was dismissed under an improper judicial-notice or state-action standard, then the default and amendment consequences cannot stand.

This case therefore does not require the Court to decide the ultimate truth of Petitioners' allegations. It requires only a rule about procedure: whether verified civil-rights allegations concerning notice, access, service, and due process may be dismissed at Rule 12 by treating disputed state-court paperwork as conclusive.

V. At Minimum, the Judgment Should be Vacated and the Case Remanded for Application of the Proper Pleading Standard.

The remedy Petitioners seek is narrow. They do not ask this Court to decide custody, decide the validity of any state order, award damages, or make factual findings. They ask this Court to **grant certiorari**, **vacate the judgment below**, **and remand for application** of the correct federal pleading standard.

On remand, the lower courts would apply ordinary pleading-stage rules to the verified complaint: accept well-pleaded factual allegations as true, draw reasonable inferences in Petitioners' favor, and distinguish the existence of court records from the truth of disputed constitutional facts those records purport to prove. Questions of state action, amendment, immunity, defenses, discovery, and any evidentiary hearing would be decided from that proper starting point.

The Constitution does not require federal courts to accept every allegation as true *forever*. However, Rule 12 requires courts to accept well-pleaded factual allegations as true *before* discovery. **Judicial notice cannot be used to bypass that rule** where the allegations challenge the accessibility, reliability, and constitutional sufficiency of the noticed records *themselves*.

This Court should grant this petition, vacate the judgment of the Court of Appeals, and remand for further proceedings consistent with the proper Rule 12, judicial-notice, state-action, and due-process standards.

CONCLUSION

For the foregoing reasons, Petitioners *respectfully* request that this Court **grant the petition for a writ of certiorari**, **vacate the judgment** of the United States Court of Appeals for the Third Circuit, **remand this case** for further proceedings under the proper Rule 12, judicial-notice, state-action, and due-process standards, and **grant such other relief** as may be just and proper.

VERIFICATION UNDER PENALTY OF PERJURY

Petitioners, **William Edgar Lewis**, **Jr**. a.k.a. ***Lewdo*** and **Monique Naté Holmes** a.k.a. ***MoBetta***, appearing ***pro se***, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the factual statements contained herein are true and correct to the best of our knowledge, information, and belief, supported by official records and sworn filings on the **U.S. District Court Middle District of Pennsylvania** docket in Case Nos. **1:25-cv-00446** *&* **1:25-cv-00447**, and the **U.S**. **Court** *of* **Appeals** *for the* **3rd Circuit** in Case Nos. **25-2160**, **25-2432**, **26-1138** *&* **26-1167**.

"Let Freedom Ring." – ***Commonwealth*** *of* ***PA***
"Committed to Excellence." – ***County*** *of* ***York***

s*/William Edgar Lewis Jr* | ***s****/Monique Naté Holmes*
William Edgar Lewis Jr | **Monique Naté Holmes**
(***Lewdo***) Petitioners, Pro Se (***MoBetta***)

Certiorari

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Certiorari

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1138

WILLIAM EDGAR LEWIS, JR., a/k/a Lewdo;
MONIQUE NATÉ HOLMES, a/k/a MoBetta,
Appellants

v.

TRACEY L. CHANCE; WAYNE CHANCE; MA'AT; NAUTICA D. CHANCE, in her individual capacity and official capacity as paralegal for MPL LAW Firm LLP; SUZANNE H. GRIEST, in her individual capacity and official capacity as attorney for MPL Law Firm; MPL LAW FIRM LLP, a professional legal entity et al

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(M.D. Pa. Civ. No. 1:25-cv-00446)
District Judge: Honorable Keli M. Neary

Submitted Pursuant to Third Circuit LAR 34.1(a)
June 24, 2026

Before: KRAUSE, RESTREPO, and PORTER,
Circuit Judges

(Opinion filed: June 26, 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.

Pro se appellants Monique Naté Holmes and William Edgar Lewis, Jr. (together, Plaintiffs) filed in the District Court a civil rights action related to a child custody matter in York County, Pennsylvania. Their complaint raised over 250 federal and state law claims against the other participants in the custody case: Holmes's biological minor child; the child's paternal grandparents; the child's cousin, who is a paralegal at the law firm of counsel opposing Plaintiffs; the law firm itself; and lead counsel.

The District Court entered final judgment against Plaintiffs after, inter alia, ruling that it lacked jurisdiction over the federal claims; adopting the Magistrate Judge's Report recommending that a motion to dismiss be granted; declining to exercise supplemental jurisdiction over any state law claims; and declining to afford Plaintiffs leave to amend their complaint. Thereafter, Plaintiffs filed three Rule 60 motions to vacate, the third of which prompted the District Court to impose a docket-specific filing injunction.

Plaintiffs then filed a notice of appeal. Their appeal is timely as to the District Court's judgment, on account of Rule 58(c)(2)(B) (providing that if an order of the district court does not satisfy the separate document rule, the order is not deemed entered until 150 days after it is docketed). We have jurisdiction under 28 U.S.C. § 1291.

Plaintiffs present four issues in their opening brief, which they frame as follows: (1) "Misapplication of the *Rooker-Feldman* Doctrine"; (2) "Improper Resolution of Factual Disputes at the Rule 12 Stage"; (3) "Failure to Apply Federal Default Procedures"; and (4) "Improper Dismissal With Prejudice." Br. 13–14.

To begin, we agree with Plaintiffs that the *Rooker-Feldman* doctrine embodies a narrow proscription; it "prohibits federal courts, save the Supreme Court, from reviewing final state court judgments." *In re Whittaker Clark & Daniels Inc.*, No. 24-2210, --- F.4th ----, 2026 WL 1131929, at *8 n.7 (3d Cir. Apr. 27, 2026). Thus, insofar as Plaintiffs did not with their pleading invite the District Court to sit as a state appellate tribunal and directly *review* rulings in their custody litigation, the doctrine would not be applicable. *See also Great W.*

Mining & Mineral Co. v. Fox Rothschild LLP, 615 F.3d 159, 167 (3d Cir. 2010) (indicating that the doctrine does not apply "when the source of the injury is the defendant's actions (and not the state court judgments)").

That said, any misapplication of *Rooker-Feldman* would be harmless, as Plaintiffs failed to adequately plead federal civil rights claims against a group of exclusively non- state actors. *See Leshko v. Servis*, 423 F.3d 337, 339 (3d Cir. 2005) ("[T]o state a claim of liability under § 1983," the plaintiff "must allege that she was deprived of a federal constitutional or statutory right by a *state actor*.") (emphasis added); *see also Angelico v. Lehigh Valley Hosp., Inc.*, 184 F.3d 268, 277 (3d Cir. 1999) ("Attorneys performing their traditional functions will not be considered state actors solely on the basis of their position as officers of the court."). That failure includes the absence from Plaintiffs' complaint of plausible allegations of a conspiracy between any of the defendants and a state actor. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 557 (2007).

Plaintiffs' remaining issues require little discussion. Their second issue lacks merit because district courts need not accept factual allegations contradicted by "matters subject to judicial notice," *Kaempe v. Myers*, 367 F.3d 958, 963 (D.C. Cir. 2004); *accord Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir. 2001) (subsequent history omitted), such as records of relevant state court proceedings, *see In re Congoleum Corp.*, 426 F.3d 675, 679 n.2 (3d Cir. 2005). And their third issue also lacks merit; while entry of default against the non-appearing defendants (i.e., the grandparents) in this case was proper, it is still "incumbent upon the district court to ensure that 'the unchallenged facts constitute a legitimate cause of action' prior to entering final judgment." *Marshall v. Baggett*, 616 F.3d 849, 852–53 (8th Cir. 2010) (citation omitted).

As for Plaintiffs' fourth issue, the District Court did not abuse its discretion in denying leave to amend. Even in civil rights cases, where leave to amend a pleading must be considered sua sponte, district courts may withhold such leave if amendment would be futile. We discern no error in the District Court's futility determination. *Cf. Great W. Mining*, 615 F.3d at 175 ("The standard for assessing futility is the 'same standard of legal sufficiency as applies under [Federal] Rule [of Civil Procedure] 12(b)(6).'") (citation omitted).

Accordingly, the judgment of the District Court will be affirmed. Appellees' motion to file a supplemental appendix, which has also been construed as a motion to expand the record on appeal, is denied.

UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT

No. 26-1138

WILLIAM EDGAR LEWIS, JR., a/k/a Lewdo;
MONIQUE NATÉ HOLMES, a/k/a MoBetta,
Appellants

v.

TRACEY L. CHANCE; WAYNE CHANCE; MA'AT;
NAUTICA D. CHANCE, in her individual capacity
and official capacity as paralegal for MPL LAW Firm
LLP; SUZANNE H. GRIEST, in her individual
capacity and official capacity as attorney for MPL
Law Firm; MPL LAW FIRM LLP, a professional
legal entity et al

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(M.D. Pa. Civ. No. 1:25-cv-00446)
District Judge: Honorable Keli M. Neary

Submitted Pursuant to Third Circuit LAR 34.1(a)

June 24, 2026

Before: KRAUSE, RESTREPO, and PORTER,

Circuit Judges

JUDGMENT

This cause came to be considered on the record from the United States District Court for the Middle District of Pennsylvania and was submitted pursuant to Third Circuit LAR 34.1(a) on June 24, 2026. On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the judgment of the District Court entered December 29, 2025, is hereby affirmed. Costs taxed against the Appellants. All of the above in accordance with the opinion of this Court.

ATTEST:

s/ Patricia S. Dodszuweit
Clerk

Dated: June 26, 2026

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1138

WILLIAM EDGAR LEWIS, JR., a/k/a Lewdo;
MONIQUE NATÉ HOLMES, a/k/a MoBetta,
Appellants

v.

TRACEY L. CHANCE; WAYNE CHANCE; MA'AT;
NAUTICA D. CHANCE, in her individual capacity
and official capacity as paralegal for MPL LAW Firm
LLP; SUZANNE H. GRIEST, in her individual
capacity and official capacity as attorney for MPL
Law Firm; MPL LAW FIRM LLP, a professional
legal entity et al

(D.C. Civ. No. 1:25-cv-00446)

ORDER

Present: CHAGARES, Chief Judge, HARDIMAN,
SHWARTZ, KRAUSE, RESTREPO, BIBAS,
PORTER, MATEY, PHIPPS, FREEMAN,
MONTGOMERY -REEVES, CHUNG, BOVE, III and
MASCOTT, Circuit Judges

The petition for rehearing filed by appellants in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the the Court en banc, is denied.

BY THE COURT,

s/ David J. Porter
Circuit Judge

Date: July 24, 2026
tmm/cc: William Edgar Lewis, Jr.
Monique Naté Holmes
Amanda S. Celommi, Esq.
Paul C. Troy, Esq.

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF

PENNSYLVANIA

WILLIAM EDGAR LEWIS, JR. and

MONIQUE NATÉ HOLMES

Plaintiffs

v.

TRACEY L. CHANCE, et al.,

Defendants

CIVIL ACTION NO. 1:25-CV-446

(Judge Neary)

<u>ORDER</u>

This matter comes before the court upon two Reports and Recommendations ("R&R's") (Docs. 164, 165) of Magistrate Judge Martin C. Carlson. One R&R (Doc. 164) recommends the court grant defendants' Suzanne H. Griest, Nautica D. Chance, and MPL Law Firm LLP (hereinafter, "Legal Defendants")[1] motion (Doc. 92) to dismiss. The other, (Doc. 165) recommends the court deny plaintiffs' William Edgar Lewis Jr. ("Lewdo") and Monique Naté Holmes ("MoBetta") motions (Docs. 139, 141) for default judgment.[2] Defendants Tracey L. Chance, Wayne Chance, and MA'AT[3] (hereinafter, "non-Legal Defendants") have made no appearance in this case. The basis for Judge Carlon's recommendations is

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[1] Legal Defendants" is how this group of defendants refer to themselves in their filings. (See Doc. 92 at ECF 4).

[2] Plaintiffs refer to themselves as "Lewdo" and "MoBetta" in their filings. (See, e.g., Doc. 167 at ECF 1-2).

[3]Pursuant to Federal Rule of Civil Procedure 5.2, the court will only refer to this defendant, who is a minor child, by her initials

Lewdo and MoBetta have come to federal court seeking to challenge state orders stemming from a child welfare proceeding in state court, something federal courts generally cannot do. After an independent review of Judge Carlson's succinct R&R's, the court finds them sound, adopts them, and will dismiss the entire case.

Plaintiffs, proceeding *pro se*, began this case by filing a 189-page complaint, asserting approximately 255 causes of action against all defendants. (See Doc. 1-1). Despite this immense filing, the "factual allegations" set forth in the complaint, are quite short. (See Doc. 1-1 at 6-7). The gist of Plaintiffs' allegations is that the defendants sought an emergency protection for abuse order, but then unjustifiably switched Lewdo for MoBetta as the target of this order. (Id.). Everything from this case stems from these allegations. However, this story quickly falls apart. The Legal Defendants provided the docket sheets of the state proceedings. (See Doc. 92 at ECF 253-257). Those docket sheets reveal a protective order was originally sought against MoBetta, but that petition was denied. (Id. at ECF 253-54). However, a separate petition for an emergency protective order was also filed against Lewdo. (Id. at ECF 256-57). That petition was granted. (Id. at ECF 257). In other words, this present lawsuit seeks to challenge the outcome of a custody battle heard in the York County Court of Common Pleas.

Unsatisfied with this outcome in state court, Plaintiffs filed this action in federal court. Originally, both they and the Legal Defendants consented to the jurisdiction of a magistrate judge. (Doc. 77). Plaintiffs reneged, however, when Judge Carlson ruled against them. (See Doc. 162). In any event, consent jurisdiction was improper because the non-Legal

Defendants never appeared and so not all parties consented. (See Doc. 163). As part of the random case assignment, this matter was assigned to the undersigned then referred to Judge Carlson pursuant to 28 U.S.C. 636(b)(1)(A). Thus, as part of the referral, Judge Carlson issued two R&R's to the parties' pending dispositive motions. (Docs. 164, 165). Plaintiffs filed timely objections. (Docs. 167, 168).

This court reviews the objected-to parts of R&R's *de novo*. See E.E.O.C. v. City of Long Branch, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)). At this stage in the litigation, the court assumes all non-conclusory allegations in the complaint are true. Henry v. Essex Cnty., 113 F.4th 355, 359 (3d Cir. 2024) (citing Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)). Additionally, the court may rely on public records such as docket sheets. Zedonis v. Lynch, 233 F. Supp. 3d 417, 422 (M.D. Pa. 2017) (citations omitted); Schmidt v. Skolas, 770 F.3d 241, 249 (3d Cir. 2014) (quoting Pension Benefit Guar. Corp. v. White Consol. Indus., Inc., 998 F.2d 1192, 1196 (3d Cir.1993)). Therefore, though the docket sheets were not part of Plaintiffs' complaint, the court notes the are public records and accepts them as true.

Turning to Plaintiffs' objections, they first make a few procedural arguments. For one, they argue Judge Carlson's rulings are void because Plaintiffs wanted to withdraw consent to a magistrate judge's jurisdiction. (Docs. 167 at 3-4; 168 at 3-4). This is incorrect. Pursuant to 28 U.S.C. § 636(b)(1)(A), a district court may refer most pretrial matters to a magistrate judge. Parties retain the opportunity to object to the R&R's of magistrate judges and those objections are reviewed *de novo*. That is exactly what is occurring in this case and so, Judge Carlson's R&R's were procedurally proper.

The court also rejects Plaintiffs' other procedural argument. True, the Legal Defendants' motion (Doc. 92) to dismiss should have been filed and docketed separately as a motion, brief, and exhibits. However, motions to strike are not favored and are not typically granted absent some prejudice to another party. Balon v. Enhanced Recovery Co., Inc., 316 F.R.D. 96, 98 (M.D. Pa. 2016) (citations omitted). Plaintiffs do not identify any prejudice, other than just to assert such action is a violation of the rules. (Docs. 167 at 4-5; Docs. 168 at 4-5). Moreover, the Legal Defendants' filing is only over 100 pages due to them attaching Plaintiff's lengthy complaint. (See Doc. 92). There court sees no harm done by the Legal Defendants' filing and striking it would be contrary to the interests of justice.

As to Plaintiffs' objections on the merits of Judge Carlson's findings, they are unavailing. As noted above, public records reveal a Pennsylvania court issued a protective order against Lewdo. (Doc. 92 at ECF 256-57). To the extent there were any deficiencies in that proceeding, they must be addressed by the state courts. This is true even if the state court proceedings deprived plaintiffs of due process. See Middlebrook At Monmouth v. Liban, 419 F. App'x 284, 285-86 (3d Cir. 2011) (nonprecedential). Though Plaintiffs make grand claims about conspiracies and false judgments, the public record clearly establishes a protective order was issued against Lewdo. Even if there was fraud in the state court proceedings, only a state court can correct them.

Moreover, this finding applies to the non-Legal Defendants as well. True, they have not made an appearance in this case. Regardless, it is well-settled that federal courts have an obligation to determine whether they have jurisdiction in a given case, "even in the absence of a challenge from any party." Guerra v. Consol. Rail Corp., 936 F.3d 124, 131 (3d Cir. 2019) (quoting Hartig Drug Co. Inc. v. Senju Pharm. Co. Ltd., 836 F.3d 261, 267 (3d Cir. 2016)). It is also clearly established that federal district courts do not have jurisdiction to overturn state-court judgments in family court proceedings. Pinckney v. Superior Ct. of New Jersey Essex Vicinage Fam. Div., 757 F. App'x 198, 200 (3d Cir. 2018) (nonprecedential). Thus, this court, *sua sponte*, determines it does not have jurisdiction in this case, over *any* party. Though, because the court finds it does not have jurisdiction over the federal claims, it will decline jurisdiction over the state law claims which will be denied without prejudice. See Hedges v. Musco, 204 F.3d 109, 123 (3d Cir. 2000).

The court also agrees with Judge Carlson's ultimate decision to deny Plaintiffs' motions (Docs.

139, 141) for default judgment.[1] Because the court finds it does not have subject matter jurisdiction over Plaintiffs' claims, it does not have any authority to take further action in this case. This would include issuing a default judgment. Finally, because Plaintiffs' claims are fundamentally about attacking a state court proceeding, something unredressable by a federal district court, allowing amendment of their complaint would be futile. <u>Ritchwood v. Essex Cnty. Towing</u>, No. 24-1727, 2024 WL 5244549, at *1 (3d Cir. Dec. 30, 2024). Therefore, their complaint shall be dismissed with prejudice. Id.

AND NOW, this 8th day of December, 2025, it is hereby ORDERED that:

1. Magistrate Judge Carlson's R&R (Doc. 165) is ADOPTED.

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[4] The court adopts Judge Carlson's R&R as an alternative ground, which would result in the denial of Plaintiffs' motions (Docs. 139, 141) for default judgment.

2. The Legal Defendants' motion (Doc. 92) to dismiss is GRANTED.

3. Plaintiffs' complaint (Doc. 1-1) is DISMISSED with prejudice for lack of subject matter jurisdiction to the extent it raises federal claims; all state law claims are DISMISSED without prejudice.

4. Magistrate Judge Carlson's R&R (Doc. 164) is ADOPTED insofar as it provides an alternative basis to dispose of Plaintiffs' motions.

5. Plaintiffs' motions (Docs. 139, 141) for default judgment are DENIED as moot.

6. Plaintiffs' motions (Docs. 170, 173) filed after the submission of the R&R's are DENIED as moot.

7. The Clerk of Court shall CLOSE this case.

/S/ KELI M. NEARY
Keli M. Neary
United States District Judge
Middle District of Pennsylvania

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF

PENNSYLVANIA

WILLIAM EDGAR LEWIS, JR. and

MONIQUE NATÉ HOLMES

Plaintiffs

v.

TRACEY L. CHANCE, et al.,

Defendants

CIVIL ACTION NO. 1:25-CV-446

(Judge Neary)

<u>ORDER</u>

Presently before the court is yet another motion (Doc. 190) filed by plaintiffs seeking to declare certain proceedings in this case void. As the court has already explained, these arguments are without merit. (See Docs. 177, 181, 188). Accordingly, this latest motion (Doc. 190) shall also be denied, for the same reasons previously given.

Further, the court previously warned plaintiffs to refrain from filing repetitive documents. (See Doc. 188). They have not heeded this directive. The court is cognizant that a pre-filing restriction is a drastic remedy and "its use against a pro se plaintiff must be approached with caution." Grossberger v. Ruane, 535 F. App'x 84, 86 (3d Cir. 2013) (citing In re Oliver, 682 F.2d 443, 445 (3d Cir. 1982)). Therefore, a pre-filing restriction can only be issued where three requirements are met: "(1) the litigant must be continually abusing the judicial process; (2) the litigant must be given notice of the potential injunction and an opportunity to oppose the court's order; and (3) the injunction must be narrowly tailored to fit the specific circumstances of the case." Id. (citing Brow v. Farrelly, 994 F.2d 1027, 1038 (3d Cir. 1993)).

As to the first requirement, this latest motion (Doc. 190) is at least the fifth time plaintiffs have raised substantially the same argument. (See Docs. 161, 173, 179, 184). Additionally, they have filed numerous "notices" addressing the same argument. (See Doc. 188 (identifying and collecting the notices); see also Doc. 193). Thus, the first requirement is met. Turning to the second requirement, plaintiffs were warned in a prior order (Doc. 188) that their continued behavior could result in a pre-filing injunction. The court will also afford plaintiffs an opportunity to respond to this order. Consequently, the second requirement is met.

Finally, the court must narrowly tailor the injunction. Plaintiffs have made their position, that there was defect in their case by having Magistrate Judge Carlson preside over part of it, quite clear. This court has just as clearly explained no procedural defects occurred. (See Docs. 177, 181). To the extent plaintiffs disagree, they have a remedy—appeal to the Third Circuit. Nothing in this order shall affect plaintiffs' rights in that regard. However, this court has already found no merit to plaintiffs' case and will not entertain any further argument to the contrary, especially when plaintiffs have not taken an appeal.

AND NOW, this 29th day of December, 2025, it is hereby ORDERED that:

1. Plaintiffs' motion (Doc. 190) is DENIED.

2. Despite the court's prior warning, Plaintiffs filed respective documents warranting a pre-filing restriction.

3. The Clerk of Court shall neither accept nor docket any further filings from plaintiffs in this case (at the court's Docket No. 1:25-CV-446) except those as follows:

a. The Clerk of Court shall accept and docket **one** response, along with any attached exhibits, from plaintiffs opposing this pre- filing injunction, as long as such response is filed on or before **<u>January 16th, 2026</u>**.

b. The Clerk of Court shall accept and docket any notice of appeal filed by plaintiffs.

c. The Clerk of Court shall accept and docket any filing on behalf of plaintiffs if such filing has been signed by an attorney permitted to practice in the Middle District of Pennsylvania.

<u>/S/ KELI M. NEARY</u>
Keli M. Neary
United States District Judge
Middle District of Pennsylvania

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM EDGAR LEWIS, et al.,

Plaintiffs

v.

TRACEY CHANCE, et al.,

Defendants

CIVIL ACTION NO. 1:25-CV-446

(Judge Neary)

(Magistrate Judge Carlson)

REPORT AND RECOMMENDATION[1]

I. Factual Background and Procedural History

This *pro se* case, which has inspired a tortured procedural history in a short span of weeks, comes before us for consideration of a defense motion to dismiss.(Doc. 92).[2] The motion arises in response to what appears to be contentious

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[1]A word regarding the odd procedural posture of this case. This case was initially assigned to us under our consent jurisdiction after the plaintiffs and all represented defendants consented to our jurisdiction. Following the dismissal of the case, on appeal, a defect was noted in this consent jurisdiction; namely, several named defendants who had never appeared in the case had not consented to magistrate judge jurisdiction. On these facts, the plaintiffs filed a motion seeking reassignment of this case to a district judge despite the fact that they expressly consented to magistrate judge jurisdiction. We granted this motion, and the case was reassigned to an Article III judge and referred to the undersigned for the preparation of Reports and Recommendations. We also placed all parties on notice that we would be following this course and advised all parties that they may lodge objections to any Reports and Recommendations which will be resolved by the district court

[2] In their pleadings the plaintiffs have decried the format of this motion, noting that it combines both a motion and brief in support of that motion in a single document. They have also protested the length of the pleading, which exceeds 200 pages. None of these concerns in our view defeat a merits consideration of the motion. While the defendants should have filed the motion and brief as separate documents under our local practice, all parties have long understood the content of this pleading. Therefore, the plaintiffs are not prejudiced by this form of

domestic relations litigation that is ongoing in the Court of Common Pleas of York County. For their part, the *pro se* plaintiffs have filed a prolix, 217 page complaint on March 11, 2025, which alleges misconduct in the course these state proceedings by a wide array of officials and cites to various federal criminal and civil rights statutes but also appears to name a number of private persons as defendants. In particular the complaint seeks to sue private persons and attorneys involved in this state court domestic relations litigation. (Doc. 1).

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pleading and are not entitled to strike the motion on these grounds. Moreover, the issues raised by the defendants would still need to be addressed on their merits before this case could proceed further. Therefore, nothing would be gained by denying the motion to dismiss on the technical grounds cited by the plaintiffs. As for the plaintiffs' complaints regarding the length of this pleading, there is perhaps an unintended irony to these allegations since the length of the document is entirely a function of the fact that the defendants have attached a copy of the plaintiffs' 217 page complaint to their motion. Simply put, the allegedly undue length of the motion which the plaintiffs decry is a direct consequence of the plaintiffs' unduly prolix style of pleading.

The scope of the claims asserted by Lewis and Holmes are also breathtakingly broad, sweeping in its scope, and legally problematic on a host of scores. As the defendants have noted:

> Plaintiff asserts approximately 255 causes of action against Legal Defendants.
>
> The causes of action consist of the following: Twenty-five (25) 1st Amendment violations; two (2) 2nd Amendment violations; eight (8) 4th Amendment violations; twenty-three (23) 5th Amendment violations; sixteen (16) 6th Amendment violations; five (5) 8th Amendment violations; four (4) 9th Amendment violations; 10th Amendment violation; 13th Amendment violation; thirty-seven (37) 14th Amendment violations; four (4) 18 U.S.C. § 241 violations; twenty-three (23) 18 U.S.C. § 242 violations; two (2) 18 U.S.C. § 1001 violations; twenty-four

(24) 42 U.S.C. § 1983 violations; three (3) 18 U.S.C. § 1503 violations; 18 U.S.C. §1512 violation; 28 U.S.C. § 1738A violation; four (4) 18 U.S.C. § 1341 violations; three (3) 18 U.S.C. § 1343 violations; six (6) 18 U.S.C. § 371 violations; two (2) 42 U.S.C. § 200d violations; 42 U.S.C. § 2000e violation; three (3) 18 U.S.C. § 1001 violations; three (3) 42 U.S.C. § 1985 violations; 18 U.S.C. § 1519 violation; 18 U.S.C. § 1621 violation; a RICO Act violation; two (2) counts of Forgery and Fraud under State and Federal law; three (3) counts of Defamation under State and Federal law; three (3) counts of Intentional Infliction of Emotion Distress under State law; violation of Parental Rights; a count of Judicial Misconduct and Maladministration under State and Federal law; a count of Unlawful Custodial Interference

under State and Federal law; a count of Fraud under Common law and Statutory law; a count of Malicious Prosecution; a count of Retaliation; violation of Family Integrity and Parental Rights; a count of False Light Invasion of Privacy under State law; thirteen (13) counts of Legal Malpractice; a count of Fraud and Coercion under Common law and State law; violation of Family Law under Common law and State law; a count of Harassment; a count of Abuse of Process under State law; a count of Breach of Confidentiality under State and Federal law; two (2) counts of Fraud and Misrepresentation under State law; a count of Deprivation of Rights Under Color of Law under State and Federal law; two (2) Ethical Violations of the ABA Model Rules of Professional Conduct; a count of False Light

> under State Law; violations of State Rules of Civil Procedure and Local Court Rules; a count of Fraud under Common law and Criminal law; three (3) counts of Fraudulent Misrepresentation under State law; a count of Coercion and Emotional Abuse under State law; a count of Psychological Manipulation and Negligence under State law; a count of Abuse of Power under State and Federal law; a count of Fraudulent Misrepresentation and Abuse of Process under State law; and violation of Fed. R. Civ. P. 11.

(Doc. 92, at 25-26).

Moreover, in this complaint the plaintiffs seek wide ranging injunctive relief, relief which would necessarily require us to intervene in the pending state court proceedings which have inspired this federal case; vacate prior state court orders; and direct the future outcome of this pending state litigation in a fashion which would result in a judgment in state court which favored these federal plaintiffs.

At this juncture we deem this motion to dismiss ripe for resolution, having afforded the plaintiffs several opportunities to substantively respond to the motion, something they have declined to do.[3] Upon consideration, for the reasons set forth below, it is recommended that the motion be granted since the plaintiffs' complaint is profoundly flawed in multiple ways.

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[3] Rather than respond to the merits of the motion to dismiss, the plaintiffs attempted to strike that motion. (Doc. 108). This effort was unavailing. Specifically, on June 11, 2025, we denied the plaintiffs' motion to strike this motion to dismiss but allowed them the opportunity to file a more reasoned, thorough and substantive response to the motion, provided that they acted by June 18, 2025. (Doc. 125). The plaintiffs have eschewed this opportunity, which was afforded to them, forfeiting the chance to further justify their allegations in the face of this motion to dismiss. Given this tactical decision by the plaintiffs the motion is now ripe for resolution.

II. Discussion

A. Motion to Dismiss—Standard of Review

A motion to dismiss tests the legal sufficiency of a complaint. It is proper for the court to dismiss a complaint in accordance with Rule 12(b)(6) of the Federal Rules of Civil Procedure only if the complaint fails to state a claim upon which relief can be granted. Fed. R. Civ. P. 12(b)(6). With respect to this benchmark standard for legal sufficiency of a complaint, the United States Court of Appeals for the Third Circuit has aptly noted the evolving standards governing pleading practice in federal court, stating that:

> Standards of pleading have been in the forefront of jurisprudence in recent years. Beginning with the Supreme Court's opinion in Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007), continuing with our opinion in

> Phillips [v. County of Allegheny, 515 F.3d 224, 230 (3d Cir. 2008)], and culminating recently with the Supreme Court's decision in Ashcroft v. Iqbal, BU.S.B, 129 S. Ct. 1937 (2009), pleading standards have seemingly shifted from simple notice pleading to a more heightened form of pleading, requiring a plaintiff to plead more than the possibility of relief to survive a motion to dismiss.

Fowler v. UPMC Shadyside, 578 F.3d 203, 209-10 (3d Cir. 2009).

In considering whether a complaint fails to state a claim upon which relief may be granted, the court must accept as true all allegations in the complaint and all reasonable inferences that can be drawn therefrom are to be construed in the light most favorable to the plaintiff. Jordan v. Fox, Rothschild, O'Brien & Frankel, Inc., 20 F.3d 1250, 1261 (3d Cir.

1994). However, a court "need not credit a complaint's bald assertions or legal conclusions when deciding a motion to dismiss." Morse v. Lower Merion Sch. Dist., 132 F.3d 902, 906 (3d Cir. 1997). Additionally, a court need not "assume that a . . . plaintiff can prove facts that the . . . plaintiff has not alleged." Associated Gen. Contractors of Cal. V. California State Council of Carpenters, 459 U.S. 519, 526 (1983). As the Supreme Court held in Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007), in order to state a valid cause of action, a plaintiff must provide some factual grounds for relief which "requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of actions will not do." Id. At 555. "Factual allegations must be enough to raise a right to relief above the speculative level." Id.

In keeping with the principles of Twombly, the Supreme Court has underscored that a trial court must assess whether a complaint states facts upon which relief can be granted when ruling on a motion to dismiss. In Ashcroft v. Iqbal, 556 U.S. 662 (2009), the Supreme Court held that, when considering a motion to dismiss, a court should "begin by identifying pleadings that, because they are no more than conclusions, are not entitled to the assumption of truth." Id. At 679. According to the Supreme Court, "[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." Id. At 678. Rather, in conducting a review of the adequacy of a complaint, the Supreme Court has advised trial courts that they must:

> [B]egin by identifying pleadings that because they are no more than conclusions are not entitled to the assumption of truth. While legal conclusions can provide the framework of a complaint, they must be supported by factual

> allegations. When there are well-pleaded factual allegations, a court should assume their veracity and then determine whether they plausibly give rise to an entitlement to relief.

Id. at 679.

Thus, following Twombly and Iqbal, a well-pleaded complaint must contain more than mere legal labels and conclusions; it must recite factual allegations sufficient to raise the plaintiff's claimed right to relief beyond the level of mere speculation. As the United States Court of Appeals for the Third Circuit has stated:

> [A]fter Iqbal, when presented with a motion to dismiss for failure to state a claim, district courts should conduct a two-part analysis. First, the factual and legal elements of a claim should be separated. The District Court must accept all of the complaint's well-pleaded facts

as true, but may disregard any legal conclusions. Second, a District Court must then determine whether the facts alleged in the complaint are sufficient to show that the plaintiff has a "plausible claim for relief." In other words, a complaint must do more than allege the plaintiff's entitlement to relief. A complaint has to "show" such an entitlement with its facts.

Fowler, 578 F.3d at 210-11.

As the Court of Appeals has observed:

The Supreme Court in Twombly set forth the "plausibility" standard for overcoming a motion to dismiss and refined this approach in Iqbal. The plausibility standard requires the complaint to allege "enough facts to state a claim to relief that is plausible on its face." Twombly, 550 U.S. at 570, 127 S. Ct. 1955. A

> complaint satisfies the plausibility standard when the factual pleadings "allow[ ] the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." Iqbal, 129 S. Ct. at 1949 (citing Twombly, 550 U.S. at 556, 127 S. Ct. 1955). This standard requires showing "more than a sheer possibility that a defendant has acted unlawfully." Id. A complaint which pleads facts "merely consistent with" a defendant's liability, [ ] "stops short of the line between possibility and plausibility of 'entitlement of relief.' "

Burtch v. Milberg Factors, Inc., 662 F.3d 212, 220-21 (3d Cir. 2011), cert. denied,

132 S. Ct. 1861, 182 L.Ed.2d 644 (2012).

In practice, consideration of the legal sufficiency of a complaint entails a three-step analysis: "First, the court must 'tak[e] note of the elements a plaintiff must plead to state a claim.' Iqbal, 129 S. Ct. at 1947. Second, the court should identify allegations that, 'because they are no more than conclusions, are not entitled to the assumption of truth.' Id. at 1950. Finally, 'where there are well-pleaded factual allegations, a court should assume their veracity and then determine whether they plausibly give rise to an entitlement for relief.' Id." Santiago v. Warminster Twp., 629 F.3d 121, 130 (3d Cir. 2010).

In considering a motion to dismiss, the court generally relies on the complaint, attached exhibits, and matters of public record. Sands v. McCormick, 502 F.3d 263, 268 (3d Cir. 2007). The court may also consider "undisputedly authentic document[s] that a defendant attached as an exhibit to a motion to dismiss if the plaintiff's claims are based on the [attached] documents." Pension Benefit Guar. Corp. v.

White Consol. Indus., 998 F.2d 1192, 1196 (3d Cir. 1993). Moreover, "documents whose contents are alleged in the complaint and whose authenticity no party questions, but which are not physically attached to the pleading, may be considered." Pryor v. Nat'l Collegiate Athletic Ass'n, 288 F.3d 548, 560 (3d Cir. 2002); see also U.S. Express Lines, Ltd. v. Higgins, 281 F.3d382, 388 (3d Cir. 2002) (holding that "[a]lthough a district court may not consider matters extraneous to the pleadings, a document integral to or explicitly relied upon in the complaint may be considered without converting the motion to dismiss in one for summary judgment"). However, the court may not rely on other parts of the record in determining a motion to dismiss, or when determining whether a proposed amended complaint is futile because it fails to state a claim upon which relief may be granted. Jordan v. Fox, Rothschild, O'Brien & Frankel, 20 F.3d 1250, 1261 (3d Cir. 1994).

It is against these legal guideposts that we assess the sufficiency of the plaintiffs' claims.

B. The Motion to Dismiss Should Be Granted

In this case, the complaint lodged by Lewis and Holmes is profoundly flawed in multiple respects. We have in the course of this litigation previously brought many of the defects in this pleading to the plaintiffs' attention, but to no avail; they have persisted in pursuing fruitless claims. Therefore, we are now constrained to recommend the dismissal of this legally infirm complaint.

The fatal deficiencies in this pleading, which we submit compel dismissal of the complaint by the district court, are addressed separately below.

1. <u>The Rooker-Feldman Doctrine Applies Here</u>

At the outset, the plaintiffs' complaint inevitably invites us to review, re-examine, and reverse various state court orders in a pending state domestic relations case. This we cannot do. To the extent that the plaintiffs urge us, in effect, to sit as a state appellate court and vacate prior state court rulings, their complaint encounters an insurmountable threshold legal obstacle. As we have explained in the past:

> [W]e lack subject matter jurisdiction over the[se] issues . . . , which necessarily invite a federal court to review, re-examine and reject state court rulings in state domestic relations cases.
>
> This we cannot do. Indeed, the United States Supreme Court has spoken to this issue and has announced a rule, the <u>Rooker–Feldman</u>

doctrine, which compels federal district courts to decline invitations to conduct what amounts to appellate review of state trial court decisions. As described by the Third Circuit:

> That doctrine takes its name from the two Supreme Court cases that gave rise to the doctrine. Rooker v. Fidelity Trust Co., 263 U.S. 413, 44 S.Ct. 149, 68 L.Ed. 362 (1923); District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 103 S.Ct. 1303, 75 L.Ed.2d 206 (1983). The doctrine is derived from 28 U.S.C. § 1257 which states that "[f]inal judgments or decrees rendered by the highest court of a state in which a decision could be had, may be reviewed by the Supreme Court....". See also Desi's Pizza, Inc. v. City of Wilkes Barre, 321 F.3d 411, 419

> (3d Cir.2003). "Since Congress has never conferred a similar power of review on the United States District Courts, the Supreme Court has inferred that Congress did not intend to empower District Courts to review state court decisions." Desi's Pizza, 321 F.3d at 419.

Gary v. Braddock Cemetery, 517 F.3d 195, 200 (3d Cir.2008).

Because federal district courts are not empowered by law to sit as reviewing courts, reexamining state court decisions, "[t]he Rooker–Feldman doctrine deprives a federal district court of jurisdiction in some circumstances to review a state court adjudication." Turner v. Crawford Square Apartments III, LLP, 449 F.3d 542, 547 (3d Cir.2006). Cases construing this jurisdictional limit on the power of federal courts have quite appropriately:

> [E]mphasized the narrow scope of the Rooker Feldman doctrine, holding that it "is confined to cases of the kind from which the doctrine acquired its name: cases brought by state- court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments." [Exxon Mobil Corp. v. Saudi Basic Industries Corp.], 544 U.S. at 284, 125 S.Ct. at 1521–22; see also Lance v. Dennis, 546 U.S. 459, ——, 126 S.Ct. 1198, 1201, 163 L.Ed.2d 1059 (2006).

Id.

However, even within these narrowly drawn confines, it has been consistently recognized that the Rooker–Feldman doctrine prevents federal judges from considering civil rights lawsuits which seek to re-examine state domestic relations court rulings that are presented "by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced." Kwasnik v. Leblon, 228 F. App'x 238, 242 (3d Cir.2007). In such instances, the federal courts have typically deferred to the state court domestic relations decisions, and rebuffed efforts to use federal civil rights laws to review, or reverse, those state court rulings. See, e.g., Marran v. Marran, 376 F.3d 143 (3d Cir.2004); Kwasnik 228 F. App'x 238, 242; Smith v. Department of Human Services, 198

F. App'x 227 (3d Cir.2006); Van Tassel v. Lawrence County Domestic Relations Section, 659 F.Supp.2d 672, 690 (W.D.Pa.2009) aff'd sub nom. Van Tassel v. Lawrence County Domestic Relations Sections, 390 F. App'x 201 (3d Cir.2010) (Rooker–Feldman doctrine operates as a jurisdictional bar to plaintiff's claims if the injuries of which she complains were caused by a state court judgment or ruling which was entered against her); Buchanan v. Gay, 491 F.Supp.2d 483, 487 (D.Del.2007); Rose v. County of York, No. 05–5820, 2007 WL 136682 (E.D.Pa. Jan.12, 2007); Logan v. Lillie, 965 F.Supp. 695, 696 (E.D.Pa.1997) aff'd, 142 F.3d 428 (3d Cir.1998); Behr v. Snider, 900 F.Supp. 719, 721 (E.D.Pa.1995).

Rose v. York Cnty., No. 1:13-CV-2056, 2013 WL 4456220, at *3–4 (M.D. Pa. Aug. 1, 2013), report and recommendation adopted, No. 1:13-CV-2056, 2013 WL 4434748 (M.D. Pa. Aug. 16, 2013). Simply put, under the Rooker-Feldman doctrine the plaintiffs simply are not entitled to relief which would necessarily imply the invalidity of at least some state court orders. The plaintiffs cannot overcome this bar, as they attempt to do, by asserting that the state court orders they challenge are void or illegitimate. The determination of the validity of a state court order in a pending state case is a task for the state courts to decide. The plaintiffs cannot invite us to serve as some form of *ad hoc* state appellate court ruling on the legitimacy of state court orders. Since this is precisely what the plaintiffs urge us to do in their pleading, this complaint fails as a matter of law and should be dismissed.

2. <u>The Younger Abstention Doctrine Also Applies Here</u>.

Beyond inviting us to set aside orders previously entered in the state court litigation, the plaintiffs' complaint also reaches out prospectively insisting that we should dictate the future course of the litigation by enjoining the state courts from taking any further action that displeases the plaintiffs in this domestic relations litigation. To the extent that the plaintiffs invite us to enjoin future enforcement of state court orders in a pending domestic relations case, this *pro se* pleading runs afoul of another settled tenet of federal law, the <u>Younger</u> abstention doctrine.

The <u>Younger</u> abstention doctrine is inspired by basic considerations of comity that are fundamental to our federal system of government. As defined by the courts: "<u>Younger</u> abstention is a legal doctrine granting federal courts discretion to abstain from exercising jurisdiction over a claim when resolution of that claim would interfere with an ongoing state proceeding." Kendall v. Russell, 572 F.3d 126, 130 (3d Cir. 2009) (citing Younger v. Harris, 401 U.S. 37, 41 (1971) ("[W]e have concluded that the judgment of the District Court, enjoining appellant Younger from prosecuting under these California statutes, must be reversed as a violation of the national policy forbidding federal courts to stay or enjoin pending state court proceedings except under special circumstances")).

This doctrine, which is informed by principles of comity, is also guided by these same principles in its application. As the Third Circuit has observed:

> "A federal district court has discretion to abstain from exercising jurisdiction over a particular claim where resolution of that claim in federal court would offend principles of

> comity by interfering with an ongoing state proceeding." Addiction Specialists, Inc. v. Twp. of Hampton, 411 F.3d 399, 408 (3d Cir.2005) (citing Younger v. Harris, 401 U.S. 37, 91 S.Ct. 746, 27 L.Ed.2d 669 (1971)). As noted earlier, the Younger doctrine allows a district court to abstain, but that discretion can properly be exercised only when (1) there are ongoing state proceedings that are judicial in nature; (2) the state proceedings implicate important state interests; and (3) the state proceedings afford an adequate opportunity to raise federal claims. Matusow v. Trans-County Title Agency, LLC, 545 F.3d 241, 248 (3d Cir.2008).

Kendall, 572 F.3d at 131.

Once these three legal requirements for Younger abstention are met, the decision to abstain rests in the sound discretion of the district court and will not be disturbed absent an abuse of that discretion. Lui v. Commission on Adult Entertainment Establishments, 369 F.3d 319, 325 (3d Cir. 2004). Moreover, applying these standards, federal courts frequently abstain from hearing matters which necessarily interfere with on-going state cases. Lui, 369 F.3d 319; Zahl v. Harper, 282 F.3d 204 (3d Cir.2002). Indeed, the Court of Appeals has expressly applied Younger abstention to state court domestic relations litigation, holding that: "This is precisely the type of case suited to Younger abstention, as the state proceeding implicates the important state interest of preserving the state's judicial system." Lazaridis v. Wehmer, 591 F.3d 666, 671 (3d Cir.2010).

In this case, the plaintiff's *pro se* complaint reveals that all of the legal prerequisites for Younger abstention are present. First, it is evident that there are state proceedings in this case. In fact, the plaintiffs have filed pleadings that acknowledge ongoing state court hearings but voiced an intent to boycott those proceedings, a contumacious course of conduct which they invite us to endorse by enjoining the state courts. Second, it is also apparent that those proceedings afford the plaintiffs a full and fair opportunity to litigate the issues raised in this lawsuit in these state cases. See Sullivan v. Linebaugh, 362 F. App'x 248, 249–50 (3d Cir. 2010). Finally, it is clear that the state proceedings implicate important state interests, since the state case involves domestic relations matters, an issue of paramount importance to the state. See Lazaridis, 591 F.3d at 671. Since the legal requirements for Younger abstention are fully met here, the decision to abstain rests in the sound discretion of this Court. However, given the important state interest in enforcement of its domestic relations rulings and recognizing that the state courts are prepared to fully address the merits of these matters, we believe that the proper exercise of this discretion weighs in favor of abstention and dismissal of this complaint.

3. <u>The Anti-Injunction Act Applies Here.</u>

Additionally, as we have noted, in this *pro se* complaint the plaintiffs seek an extraordinary form of injunctive relief in that they invite us to enjoin pending state court litigation and prescribe the manner in which the state courts must address their concerns in the future. This prayer for relief encounters another immediate statutory hurdle—the Anti-Injunction Act. As the court of appeals has aptly observed:

> That statute reads as follows: "A court of the United States may not grant an injunction to stay proceedings in a State court except [1] as

expressly authorized by Act of Congress, or [2] where necessary in aid of its jurisdiction, or [3] to protect or effectuate its judgments." 28 U.S.C. § 2283.

The general rule is thus that "an injunction against execution or any other proceeding to enforce a state judgment is forbidden as well as one against the prosecution of state litigation to obtain a judgment." Jos. L. Muscarelle, Inc. v. Cent. Iron Mfg. Co., 328 F.2d 791, 793 (3d Cir. 1964). And while there are three statutorily prescribed exceptions, those exceptions "are to be construed narrowly," In re Diet Drugs, 282 F.3d 220, 233 (3d Cir. 2002), the practical effect of which is that the A-IA "prohibits most federal court injunctions staying state court proceedings," In re Prudential Ins. Co. of Am. Sales Pracs. Litig., 314 F.3d 99, 103 (3d Cir. 2002).

Norton v. Adams, No. 25-2361, 2025 WL 2231797, at *2 (3d Cir. Aug. 1, 2025).

The United States Supreme Court has underscored for us the central role which the Anti-Injunction Act plays in defining the comity owed to state courts in our federal system, explaining that:

> Any doubts as to the propriety of a federal injunction against state court proceedings should be resolved in favor of permitting the state courts to proceed in an orderly fashion to finally determine the controversy. The explicit wording of § 2283 itself implies as much, and the fundamental principle of a dual system of courts leads inevitably to that conclusion.

Atl. Coast Line R. Co. v. Bhd. of Locomotive Eng'rs, 398 U.S. 281, 297, 90 S. Ct. 1739, 1748, 26 L. Ed. 2d 234 (1970).

On occasion, litigants in state domestic relations cases have turned to the federal courts seeking to enjoin these state proceedings. This litigation has taken many different forms over time, but in light of the statutory and prudential limits set on the exercise of federal courts when it comes to enjoining state Domestic relations proceedings, these efforts have routinely encountered the same fate, rejection by the courts. Thus, a rising tide of caselaw has found that the Anti-Injunction Act bars attempts to enjoin pending state domestic relations cases like these PFA proceedings.[4]

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[4] Reid v. Luna, No. 23-CV-4818, 2023 WL 8720666, at *1 (E.D. Pa. Dec. 18, 2023); Bonawitz v. Fosko, No. 3:CV-14-0783, 2014 WL 1745890, at *2 (M.D. Pa. Apr. 30, 2014);Steinbronn v. City of Philadelphia, No. CIV. A. 92-3744, 1992 WL 328923, at *2 (E.D. Pa. Oct. 27, 1992).

Nonetheless, we are reminded that the Anti-Injunction Act should not be applied in a reflexive or categorical fashion to bar state court injunctions. Norton v. Adams, No. 25-2361, 2025 WL 2231797, at *3 (3d Cir. Aug. 1, 2025). Rather, we must individually assess whether the plaintiffs' claims fall within any of the three narrowly construed statutory exceptions to the Act. Id. at *2. Having conducted this individualized examination, we find that the plaintiffs cannot avail themselves of any of these narrowly crafted exceptions to the rule forbidding federal injunctions of state court proceedings.

At the outset, it is clear that the Act's third exception—which allows this court to enjoin state proceedings when necessary "to protect or effectuate its judgments" 28 U.S.C. § 2283—has no application in this case. This exception is plainly inapposite since we have entered no judgments in favor of the plaintiffs which need protection through injunctive relief.

Likewise, upon reflection, the plaintiffs cannot rely on the first narrow exception to the Anti-Injunction Act which allows federal courts to enjoin state legal proceedings when expressly authorized by Act of Congress to obtain the extraordinary relief which they seek. On this score, it bears repeating that, essentially, the plaintiffs invite us under the federal civil rights statute, 42 U.S.C. § 1983, to enjoin state judges to rule in his favor in specific ways in their cases. As a § 1983 injunction targeting a state court, this claim is not "expressly authorized by Act of Congress." Quite the contrary, longstanding precedent, and the plain language of § 1983 specifically caution against such injunctions.

In the first instance:

> The Supreme Court long has recognized that judges are immune from suit under section 1983 for monetary damages arising from their judicial acts. See Mireles v. Waco, 502 U.S. 9, 9, 112 S.Ct. 286, 287, 116 L.Ed.2d 9 (1991); Forrester v. White, 484 U.S. 219, 225–27, 108 S.Ct. 538, 543–44, 98 L.Ed.2d 555 (1988); Stump v. Sparkman, 435 U.S. 349, 355–56, 98 S.Ct. 1099, 1104, 55 L.Ed.2d 331 (1978).

Gallas v. Supreme Ct. of Pennsylvania, 211 F.3d 760, 768–69 (3d Cir. 2000).

Moreover, this longstanding judicial immunity from liability under § 1983 for damages claims has also been extended by Congress to claims for injunctive relief which target state judges. By its terms this seminal civil rights statute largely forbids such claims, stating that:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, *except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable*.

42 U.S.C. § 1983 (emphasis added).

In this case, notwithstanding the plaintiffs' sweeping allegations of systematic abuse by the courts, these litigants simply have not alleged well pleaded facts which would support a finding that a declaratory decree was violated or that declaratory relief is unavailable. Rather, it seems clear that the plaintiffs have avenues of declaratory relief available to them through the state court system. Therefore, they have not made the exacting showing necessary to fall within this narrowly construed exception to the Anti-Injunction Act.

Finally, it cannot be said in this case that the plaintiffs may avail themselves of the final exception to the Anti-Injunction Act's prohibition against enjoining state court proceedings, an exception that allows federal courts to enjoin state cases where necessary in aid of its jurisdiction. This exception is unavailable to the plaintiffs because—as discussed below—their legal claims fail on their merits for a host of reasons.

4. <u>The Plaintiffs' Federal Civil Rights Claims Fail as a Matter of Law.</u>

Beyond these initial concerns, the plaintiffs' federal civil rights complaint is substantively flawed in yet another crucial respect. Stripped to its essence, the plaintiffs' complaint attempts to bring federal civil rights claims against private litigants and a law firm for actions taken representing a client in some state domestic relations litigation. To the extent that the plaintiffs seek to sue private parties, and their attorneys and law firms alleging federal civil rights violations, they fundamentally misconstrue the reach of the federal civil rights statute upon which they rely, 42 U.S.C. § 1983.

It is well established that § 1983 does not, by its own force, create new and independent legal rights to damages in civil rights actions. Rather, § 1983 simply serves as a vehicle for private parties to bring civil actions to vindicate violations of separate and pre-existing legal rights otherwise guaranteed under the Constitution and laws of the United States. Albright v. Oliver, 510 U.S. 266, 271 (1994); Graham v. Connor, 490 U.S. 386, 393-94 (1989). Therefore, any analysis of the legal sufficiency of a cause of action under § 1983 must begin with an assessment of the validity of the underlying constitutional and statutory claims advanced by the plaintiff.

In this regard, it is also well settled that:

> Section 1983 provides a remedy for deprivations of federally protected rights caused by persons acting under color of state law. The two essential elements of a ' 1983 action are: *(1) whether the conduct complained of was committed by a person acting under color of state law*; and (2) whether this conduct

deprived a person of a federally protected right.

Parratt v. Taylor, 451 U.S. 527, 535 (1981).

Boykin v. Bloomsburg Univ., 893 F.Supp. 409, 416 (M.D. Pa. 1995), aff'd, 91 F.3d 122 (3d Cir. 1996) (emphasis added). Thus, it is essential to any civil rights claim brought under § 1983 that the plaintiff allege and prove that the defendants were acting under color of law when that defendant allegedly violated the plaintiffs' rights. To the extent that a complaint seeks to hold private parties liable for alleged civil rights violations, it fails to state a valid cause of action under 42 U.S.C. § 1983 since the statute typically requires a showing that the defendants are state actors. Am. Mfrs. Mut. Ins. Co. v. Sullivan, 526 U.S. 40, 49 50 (1999).

This principle applies with particular force to civil rights plaintiffs, like these plaintiffs who may also invite the courts to consider lawsuits against private parties and attorneys for their roles representing clients in litigation. With respect to this state action requirement, it is well settled that the conduct of an attorney representing a client in a state case does not, by itself, rise to the level of state action entitling a plaintiff to bring a federal civil rights action against counsel. See, e.g., West v. Atkins, 487 U.S. 42, 50 (1988); Polk County v. Dodson, 454 U.S. 312 (1981); Pete v. Metcalfe, 8 F.3d 214 (5th Cir. 1993). Therefore, to the extent that the complaint seeks to sue private parties, attorneys and law firms for federal civil rights violations arising out of their role as counsel in state domestic relations litigation, these claims fail as a matter of law and should be dismissed.

5. The Plaintiffs May Not Use a Civil Case as a Vehicle for a Criminal Prosecution.

In addition, the plaintiffs' civil complaint cites to a plethora of federal criminal statutes and apparently invites us to either imply that federal criminal statutes give rise to implied private rights of action or engage in some form of criminal inquest or proceedings in the context of this civil lawsuit.

This we may not do.

At the outset, Lewis and Holmes err in generally implying a private right of action based upon federal criminal statutes. Quite the contrary, in this regard:

> The Court is guided by the general principle that courts are "reluctant to infer a private right of action from a criminal prohibition alone," especially where the criminal statute is "bare" as to private enforcement. Cent. Bank of

Denver v. First Interstate Bank of Denver, 511 U.S. 164, 190 (1994); see also Leeke v. Timmerman, 454 U.S. 83, 86 (1981) (holding that private citizens cannot compel criminal prosecution). To this end, the Third Circuit has repeatedly held that criminal statutes generally do not create private rights of action. See Tezler v. Borough of Englewood Cliffs, 783 F. App'x 253, 257–58 (3d Cir. 2019); Timm v. Wells Fargo Bank, 701 F. App'x 171, 175 (3d Cir. 2017); Coleman v. Academy Bus, LLC, 858 F. App'x 584, 585 (3d Cir. 2021); see also Caterbone v. Lancaster City Bureau of Police, Civil Action No. 18-CV-2710, 2018 WL 3549266 at *3 (E.D. Pa. July 24, 2018) ("Criminal statutes do not generally provide a basis for a litigant's civil claims, and this Court lacks the authority to initiate criminal proceedings.").

Miller v. Nelling, No. CV 22-3329-KSM, 2023 WL 2743564, at *3 (E.D. Pa. Mar. 31, 2023).

Nor can the plaintiffs convert this civil case into a vehicle for instigating a criminal prosecution of others. Rather, it is well established that decisions regarding the filing of criminal charges are the prerogative of the executive branch of government, are consigned to the sound discretion of prosecutors, and under the separation of powers doctrine are not subject to judicial fiat. Indeed, it has long been recognized that the exercise of prosecutorial discretion is a matter, "particularly ill-suited to judicial review." Wayte v. United States, 470 U.S. 598, 607, 105 S.Ct. 1524, 84 L.Ed.2d 547 (1985). Recognizing this fact, courts have long held that a civil rights plaintiff may not seek relief in civil litigation in the form of an order directing the criminal prosecution of some third parties, finding that civil plaintiffs lack standing to make such claims and concluding that such relief simply is unavailable in a civil lawsuit. See, e.g., Ostrowski v. Mehltretter, 20 F. App'x. 87, 90 (2d Cir.2001); See also Kim v. Romero, 877 F.2d 64, 1989 WL 67116 at *1 (9th Cir. June 14, 1989) (affirming the dismissal of a suit against various prosecuting authorities for their failure to bring charges against a sheriff for alleged battery); McMinn v. Damiani, 765 F.2d 145, 1985 WL 13323 (6th Cir. May 3, 1985) (affirming the dismissal for lack of standing a pro se civil rights case where plaintiff had sued state prosecuting authorities for failing to investigate or prosecute claims against various state judges and lawyers); Gessner v. Dep't of Corr., 3:14-CV-111, 2014 WL 972290 (M.D. Pa. Mar. 12, 2014); Snyder v. Aaron, CIV.A. 05B1602, 2006 WL 544466 (W.D.Pa. Mar.6, 2006).

Therefore, to the extent that the plaintiffs attempt to generally imply private rights of action from federal criminal statutes or assert a right to pursue criminal charges in the guise of a civil lawsuit these claims also fail as a matter of law and should be dismissed.

6. <u>The Plaintiffs' Supplemental State Law Claims Should Be Dismissed</u>.

Simply put, the complaint lodged by the plaintiffs fails to state any cognizable federal claims. Therefore, the plaintiffs' federal claims—which form the grounds for their filing in this Court—should be dismissed. The proposed disposition of the plaintiffs' federal legal claims, in turn, dictates the appropriate course the court may wish to follow in addressing the ancillary state law claims that the plaintiffs wish to pursue.

In a case such as this, where the jurisdiction of the federal court was premised on alleged federal claims which are found to be subject to dismissal at the outset of litigation, the proper course generally is for "the court [to] decline to exercise supplemental jurisdiction over the plaintiff's state law claims. 28 U.S.C. § 1367(c)(3) ("The district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a) if- ... the district court has dismissed all claims over which it has original jurisdiction."); United Mine Workers v. Gibbs, 383 U.S. 715, 726 (1966) (holding that when federal causes of action are dismissed, federal courts should not separately entertain pendent state claims)." Bronson v. White, No. 05-2150, 2007 WL 3033865, *13 (M.D. Pa. Oct. 15, 2007) (Caputo, J.) (adopting report and recommendation dismissing ancillary malpractice claim against dentist); see Ham v. Greer, 269 F. App'x 149, 151 (3d Cir. 2008) (citing United Mine Workers, 383 U.S. at 726 and Tully v. Mott Supermkts., Inc., 540 F.2d 187, 196 (3d Cir. 1976)) ("Because the District Court appropriately dismissed [the inmate's] Bivens claims, no independent basis for federal jurisdiction remains"). As the Supreme Court has aptly observed:

> Needless decisions of state law should be avoided both as a matter of comity and to promote justice between the parties, by procuring for them a surer-footed reading of applicable law. Certainly, if the federal claims are dismissed before trial, even though not insubstantial in a jurisdictional sense, the state claims should be dismissed as well.

United Mine Workers, 383 U.S. at 726 (footnotes omitted).

The basic tenet that we should refrain from needlessly asserting jurisdiction over what are essentially state law claims applies with particular force here given that the remedies sought by Lewis and Holmes necessarily invite us to re-examine and potentially interfere with prior state court proceedings in the field of domestic relations. We should approach such issues with great caution given our lack of jurisdiction in this field since:

> The domestic relations exception "divests the federal courts of power to issue divorce, alimony, and child custody decrees," Ankenbrandt v. Richards, 504 U.S. 689, 703, 112 S.Ct. 2206, 119 L.Ed.2d 468 (1992), because it has long been settled that "[t]he whole subject of the domestic relations of husband and wife ... belongs to the laws of the states, and not to the laws of the United States," Ex parte Burrus,

136 U.S. 586, 593–94, 10 S.Ct. 850, 34 L.Ed. 500 (1890).

Daniels v. Cynkin, 34 F. Supp. 3d 433, 441 (D.N.J. 2014), aff'd, 597 F. App'x 704 (3d Cir. 2015).

In the instant case, we have recommended that Lewis and Holmes' federal claims should be dismissed. We also note that the plaintiffs' remaining state law claims directly implicate the domestic relations doctrine and are matters that are left "to the laws of the states, and not to the laws of the United States." Id. Therefore, in the exercise of our discretion, this Court should decline to assert supplemental jurisdiction over potential ancillary state law domestic relations claims in this case where all potential federal claims brought before us fail as a matter of law. Accordingly, these pendent state law claims should also be dismissed without prejudice to pursuit of these state law claims in state court. See

Payne v. Doe #1, No. 1:22-CV-1876, 2023 WL 3493315, at *5–6 (M.D. Pa. Mar. 27, 2023), report and recommendation adopted, No. 1:22-CV-1876, 2023 WL 3480895 (M.D. Pa. May 16, 2023).

III. Recommendation

Accordingly, for the foregoing reasons, IT IS RECOMMENDED that the defendants' motion to dismiss (Doc. 92) be GRANTED and the plaintiff's complaint be DISMISSED.

The parties are further placed on notice that pursuant to Local Rule 72.3:

> Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in 28 U.S.C. § 636 (b)(1)(B) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition within fourteen (14) days after being served with a

copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the magistrate judge, making his or her own determination on the basis of that record. The judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.

Submitted this 21st day of October 2025.

S/Martin C. Carlson
Martin C. Carlson
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF

PENNSYLVANIA

WILLIAM EDGAR LEWIS, et al.,

Plaintiffs

v.

TRACEY CHANCE, et al.,

Defendants

CIVIL ACTION NO. 1:25-CV-446

(Judge Neary)

(Magistrate Judge Carlson)

REPORT AND RECOMMENDATION[1]

I. Factual Background and Procedural History

This *pro se* case, which has inspired a tortured procedural history in a short span of weeks, comes before us for consideration of two motions filed by the plaintiffs seeking entry of default judgments in their favor with respect to two unrepresented defendants. (Docs. 139, 141).

These motions are set against the backdrop of contentious domestic relations litigation that is

[1] A word regarding the odd procedural posture of this case. This case was initially assigned to us under our consent jurisdiction after the plaintiffs and all represented defendants consented to our jurisdiction. Following the dismissal of the case, on appeal, a defect was noted in this consent jurisdiction; namely, several named defendants who had never appeared in the case had not consented to magistrate judge jurisdiction. On these facts, the plaintiffs filed a motion seeking reassignment of this case to a district judge despite the fact that they expressly consented to magistrate judge jurisdiction. We granted this motion, and the case was reassigned to an Article III judge and referred to the undersigned for the preparation of Reports and Recommendations. We also placed all parties on notice that we would be following this course and advised all parties that they may lodge objections to any Reports and Recommendations which will be resolved by the district court.

ongoing in the Court of Common Pleas of York County. For their part, the *pro se* plaintiffs have filed a prolix, 217 page complaint on March 11, 2025 which alleges misconduct in the course these state proceedings by a wide array of officials and cites to various federal criminal and civil rights statutes but also appears to name a number of private persons as defendants. In particular the complaint seeks to sue private persons and attorneys involved in this state court domestic relations litigation. (Doc. 1).

The scope of the claims asserted by Lewis and Holmes is breathtakingly broad, sweeping in its scope, and legally problematic on a host of scores. Indeed, it has been observed that it appears that the plaintiffs assert approximately 255 causes of action in their complaint:

> The causes of action consist of the following: Twenty-five (25) 1st Amendment violations;

two (2) 2nd Amendment violations; eight (8) 4th Amendment violations; twenty-three (23) 5th Amendment violations; sixteen (16) 6th Amendment violations; five (5) 8th Amendment violations; four (4) 9th Amendment violations; 10th Amendment violation; 13th Amendment violation; thirty-seven (37) 14th Amendment violations; four (4) 18 U.S.C. § 241 violations; twenty-three (23) 18 U.S.C. § 242 violations; two (2) 18 U.S.C. § 1001 violations; twenty-four (24) 42 U.S.C. § 1983 violations; three (3) 18 U.S.C. § 1503 violations; 18 U.S.C. §1512 violation; 28 U.S.C. § 1738A violation; four (4) 18 U.S.C. § 1341 violations; three (3) 18 U.S.C. § 1343 violations; six (6) 18 U.S.C. § 371 violations; two (2) 42 U.S.C. § 200d violations; 42 U.S.C. § 2000e violation; three (3) 18 U.S.C. § 1001 violations; three (3) 42 U.S.C. § 1985 violations; 18 U.S.C. § 1519 violation; 18 U.S.C. § 1621 violation; a RICO Act violation; two (2) counts of Forgery and Fraud under State and Federal law; three (3) counts of Defamation under State and Federal law; three (3) counts of Intentional Infliction of Emotion Distress under State law; violation of Parental Rights; a count of Judicial Misconduct and Maladministration under State and Federal law; a count of Unlawful Custodial Interference under State and Federal law; a count of Fraud under Common law and Statutory law; a count of Malicious Prosecution; a count of Retaliation; violation of Family Integrity and Parental Rights; a count of False Light Invasion of Privacy under State law; thirteen (13) counts of Legal Malpractice; a count of Fraud and Coercion under Common law and State law;

violation of Family Law under Common law and State law; a count of Harassment; a count of Abuse of Process under State law; a count of Breach of Confidentiality under State and Federal law; two (2) counts of Fraud and Misrepresentation under State law; a count of Deprivation of Rights Under Color of Law under State and Federal law; two (2) Ethical Violations of the ABA Model Rules of Professional Conduct; a count of False Light under State Law; violations of State Rules of Civil Procedure and Local Court Rules; a count of Fraud under Common law and Criminal law; three (3) counts of Fraudulent Misrepresentation under State law; a count of Coercion and Emotional Abuse under State law; a count of Psychological Manipulation and Negligence under State law; a count of Abuse of

> Power under State and Federal law; a count of Fraudulent Misrepresentation and Abuse of Process under State law; and violation of Fed. R. Civ. P. 11.

(Doc. 92, at 25-26).

Moreover, in this complaint the plaintiffs seek wide ranging injunctive relief, relief which would necessarily require us to intervene in the pending state court proceedings which have inspired this federal case; vacate prior state court orders; and direct the future outcome of this pending state litigation in a fashion which would result in a judgment in state court which favored these federal plaintiffs.

In response to this bewildering array of claims, three of the defendants, who were represented by counsel, moved to dismiss the complaint. (Doc. 92). We have recommended that this motion be granted, since the complaint is fatally flawed in numerous ways which cannot be remedied.

In the meanwhile, at the *pro se* plaintiffs' request, we ordered service of the complaint upon two unrepresented defendants, Wayne and Tracey Chance. It is evident from the complaint that these unrepresented parties are private individuals who are now caught up in this toxic state court domestic relations litigation. Proof of service was filed by the U.S. Marshal on June 9, 2025. (Docs. 118, 119). However, these *pro se* defendants have not yet answered or otherwise responded to this complaint. Accordingly, the plaintiffs have now moved for the entry of default judgments against the unrepresented defendants. (Docs. 139, 141).[2]

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[2]We note that in their motions the plaintiffs now allege that these unrepresented defendants were successfully served and defaulted earlier in these proceedings. This is incorrect. In fact, the plaintiffs have previously conceded that: "All parties were successfully served, *with the exception of Defendants Tracey L.*

Thus, we are presented with the following curiosity: We have recommended that the plaintiffs' complaint is deeply flawed and subject to dismissal on multiple scores. Despite this recommendation, the plaintiffs seek a default judgment in their favor with respect to two unrepresented and unresponsive defendants. Yet, it is also evident that the plaintiffs' complaint fails on its merits with respect to these defendants as well. Accordingly, if the default motions were granted, this Court would award a judgment in favor of the plaintiffs on a complaint which plainly fails as a matter of law.

The law does not compel this curious outcome which would enter a judgment in favor of plaintiffs on a legally frivolous complaint. Instead: "It is settled law that a court may deny a motion for a default

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Chance, Wayne Chance, and MA'AT." (Doc. 9, at 6) (emphasis added).

judgment if it determines *sua sponte* that the complaint fails to state a claim." Choi v. 37 Parsons Realty LLC, 642 F. Supp. 3d 329, 331 (E.D.N.Y. 2022). Thus, "the default judgment motion should be denied and the complaint dismissed if it is frivolous, or, at least, if it is clear that the plaintiff could not prevail as a matter of law." Id. at 336.

With this understanding of our role and responsibility in this odd setting, where the plaintiffs seek entry of default judgments in their favor based upon a complaint which we believe patently lacks legal merit, we instructed the plaintiffs on or before **July 15, 2025**, to show cause why the motions for entry of default (Docs. 139, 141) should not be denied and the complaint dismissed given our prior finding that the complaint is subject to dismissal on numerous grounds. (Doc. 148). At the plaintiffs' request, we then extended their response deadline to

July 18, 2025. (Doc. 153). We also instructed the unrepresented and unresponsive defendants to show cause why they have failed to defend this lawsuit.

All of these deadlines have now passed and what is revealed is a race to the bottom by the remaining *pro se* parties in this litigation. Thus, the unrepresented and unresponsive defendants remain both unrepresented and unresponsive. The *pro se* plaintiffs, in turn, remain insistent that they are entitled to a default judgment in their favor notwithstanding the fact that their complaint on its face appears to be utterly devoid of any legal merit.

Accordingly, upon consideration, for the reasons set forth below, we recommend that the plaintiffs' motions for entry of default be denied, the plaintiffs' complaint be dismissed as to all defendants, and this case be closed.

II. <u>Discussion</u>

A. <u>The Court's Responsibility When Presented With Default Motions Based Upon a Meritless Complaint.</u>

As we have observed, in its current posture this case presents a true oddity: The plaintiffs have filed what we have found to be a wholly meritless civil complaint. Yet, because some unrepresented parties have failed to respond to this complaint, the plaintiffs seek victory with respect to these defendants, a victory unmoored to the merits through motions for default judgments in their favor.

This they cannot do. Rather, when the court is presented with motions for entry of default judgments based upon a meritless complaint: "It is settled law that a court may deny a motion for a default judgment if it determines *sua sponte* that the complaint fails to state a claim." Choi v. 37 Parsons Realty LLC, 642 F. Supp. 3d 329, 331 (E.D.N.Y. 2022). Instead, in this unusual setting "the default judgment motion should be denied and the complaint dismissed if it is frivolous, or, at least, if it is clear that the plaintiff could not prevail as a matter of law." Id. at 336. Thus, notwithstanding the unrepresented defendants' failure to respond, before the plaintiffs can prevail on their motions for entry of default judgment, they must show that their complaint is not frivolous and states a claim upon which relief may be granted. If the plaintiffs cannot show the colorable merit of their claims, then their default motions fail, and the proper course is the dismissal of the lawsuit.

In determining whether a complaint states a claim upon which relief can be granted, we are reminded that:

> Standards of pleading have been in the forefront of jurisprudence in recent years. Beginning with the Supreme Court's opinion in Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007), continuing with our opinion in Phillips [v. County of Allegheny, 515 F.3d 224, 230 (3d

> Cir. 2008)], and culminating recently with the Supreme Court's decision in Ashcroft v. Iqbal, BU.S.B, 129 S. Ct. 1937 (2009), pleading standards have seemingly shifted from simple notice pleading to a more heightened form of pleading, requiring a plaintiff to plead more than the possibility of relief to survive a motion to dismiss.

Fowler v. UPMC Shadyside, 578 F.3d 203, 209-10 (3d Cir. 2009).

In considering whether a complaint fails to state a claim upon which relief may be granted, the court must accept as true all allegations in the complaint and all reasonable inferences that can be drawn therefrom are to be construed in the light most favorable to the plaintiff. Jordan v. Fox, Rothschild, O'Brien & Frankel, Inc., 20 F.3d 1250, 1261 (3d Cir. 1994). However, a court "need not credit a complaint's bald assertions or legal conclusions when deciding a motion to dismiss." Morse v. Lower Merion Sch. Dist., 132 F.3d 902, 906 (3d Cir. 1997). Additionally, a court need not "assume that a . . . plaintiff can prove facts that the . . . plaintiff has not alleged." Associated Gen. Contractors of Cal. v. California State Council of Carpenters, 459 U.S. 519, 526 (1983). As the Supreme Court held in Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007), in order to state a valid cause of action, a plaintiff must provide some factual grounds for relief which "requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of actions will not do." Id. at 555. "Factual allegations must be enough to raise a right to relief above the speculative level." Id.

In keeping with the principles of Twombly, the Supreme Court has underscored that a trial court must assess whether a complaint states facts upon which relief can be granted when ruling on a motion to dismiss. In Ashcroft v. Iqbal, 556 U.S. 662 (2009), the Supreme Court held that, when considering a motion to dismiss, a court should "begin by identifying pleadings that, because they are no more than conclusions, are not entitled to the assumption of truth." Id. at 679. According to the Supreme Court, "[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." Id. at 678. Rather, in conducting a review of the adequacy of a complaint, the Supreme Court has advised trial courts that they must:

> [B]egin by identifying pleadings that because they are no more than conclusions are not entitled to the assumption of truth. While legal conclusions can provide the framework of a complaint, they must be supported by factual allegations. When there are well-pleaded

> factual allegations, a court should assume their veracity and then determine whether they plausibly give rise to an entitlement to relief.

Id. at 679.

Thus, following Twombly and Iqbal, a well-pleaded complaint must contain more than mere legal labels and conclusions; it must recite factual allegations sufficient to raise the plaintiff's claimed right to relief beyond the level of mere speculation. As the United States Court of Appeals for the Third Circuit has stated:

> [A]fter Iqbal, when presented with a motion to dismiss for failure to state a claim, district courts should conduct a two-part analysis. First, the factual and legal elements of a claim should be separated. The District Court must accept all of the complaint's well-pleaded facts as true, but may disregard any legal

> conclusions. Second, a District Court must then determine whether the facts alleged in the complaint are sufficient to show that the plaintiff has a "plausible claim for relief." In other words, a complaint must do more than allege the plaintiff's entitlement to relief. A complaint has to "show" such an entitlement with its facts.

Fowler, 578 F.3d at 210-11.

As the Court of Appeals has observed:

> The Supreme Court in Twombly set forth the "plausibility" standard for overcoming a motion to dismiss and refined this approach in Iqbal. The plausibility standard requires the complaint to allege "enough facts to state a claim to relief that is plausible on its face." Twombly, 550 U.S. at 570, 127 S. Ct. 1955. A complaint satisfies the plausibility standard

> when the factual pleadings "allow[ ] the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." Iqbal, 129 S. Ct. at 1949 (citing Twombly, 550 U.S. at 556, 127 S. Ct. 1955). This standard requires showing "more than a sheer possibility that a defendant has acted unlawfully." Id. A complaint which pleads facts "merely consistent with" a defendant's liability, [ ] "stops short of the line between possibility and plausibility of 'entitlement of relief.' "

Burtch v. Milberg Factors, Inc., 662 F.3d 212, 220-21 (3d Cir. 2011), cert. denied, 132 S. Ct. 1861, 182 L.Ed.2d 644 (2012).

In practice, consideration of the legal sufficiency of a complaint entails a three-step analysis: "First, the court must 'tak[e] note of the elements a plaintiff must plead to state a claim.' Iqbal, 129 S. Ct. at 1947. Second, the court should identify allegations that, 'because they are no more than conclusions, are not entitled to the assumption of truth.' Id. at 1950. Finally, 'where there are well-pleaded factual allegations, a court should assume their veracity and then determine whether they plausibly give rise to an entitlement for relief.' Id." Santiago v. Warminster Twp., 629 F.3d 121, 130 (3d Cir. 2010).

In considering a motion to dismiss, the court generally relies on the complaint, attached exhibits, and matters of public record. Sands v. McCormick, 502 F.3d 263, 268 (3d Cir. 2007). The court may also consider "undisputedly authentic document[s] that a defendant attached as an exhibit to a motion to dismiss if the plaintiff's claims are based on the [attached] documents." Pension Benefit Guar. Corp. v. White Consol. Indus., 998 F.2d 1192, 1196 (3d Cir.

1993). Moreover, "documents whose contents are alleged in the complaint and whose authenticity no party questions, but which are not physically attached to the pleading, may be considered." Pryor v. Nat'l Collegiate Athletic Ass'n, 288 F.3d 548, 560 (3d Cir. 2002); see also U.S. Express Lines, Ltd. v. Higgins, 281 F.3d382, 388 (3d Cir. 2002) (holding that "[a]lthough a district court may not consider matters extraneous to the pleadings, a document integral to or explicitly relied upon in the complaint may be considered without converting the motion to dismiss in one for summary judgment"). However, the court may not rely on other parts of the record in determining a motion to dismiss, or when determining whether a proposed amended complaint is futile because it fails to state a claim upon which relief may be granted. Jordan v. Fox, Rothschild, O'Brien & Frankel, 20 F.3d 1250, 1261 (3d Cir. 1994).

It is against these legal guideposts that we assess the sufficiency of the plaintiffs' claims.

B. The Plaintiffs' Complaint Fails as a Matter of Law; Hence, Their Default Motions Should Be Denied and This Case Should Be Dismissed.

In this case, the complaint lodged by Lewis and Holmes is profoundly flawed in multiple respects. We have in the course of this litigation previously brought many of the defects in this pleading to the plaintiffs' attention, but to no avail; they have persisted in pursuing these fruitless claims. The fatal deficiencies in this pleading, which we have recommended compel dismissal of the complaint, are addressed separately below.

1. <u>The Rooker-Feldman Doctrine Applies Here</u>

At the outset, the plaintiffs' complaint inevitably invites us to review, re- examine, and reverse various state court orders in a pending state domestic relations case. This we cannot do. To the extent that the plaintiffs urge us, in effect, to sit as a state appellate court and vacate prior state court rulings, their complaint encounters an insurmountable threshold legal obstacle. As we have explained in the past:

> [W]e lack subject matter jurisdiction over the[se] issues . . . , which necessarily invite a federal court to review, re-examine and reject state court rulings in state domestic relations cases.
>
> This we cannot do. Indeed, the United States Supreme Court has spoken to this issue and has announced a rule, the <u>Rooker–Feldman</u>

doctrine, which compels federal district courts to decline invitations to conduct what amounts to appellate review of state trial court decisions. As described by the Third Circuit:

> That doctrine takes its name from the two Supreme Court cases that gave rise to the doctrine. Rooker v. Fidelity Trust Co., 263 U.S. 413, 44 S.Ct. 149, 68 L.Ed. 362 (1923); District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 103 S.Ct. 1303, 75 L.Ed.2d 206 (1983). The doctrine is derived from 28 U.S.C. § 1257 which states that "[f]inal judgments or decrees rendered by the highest court of a state in which a decision could be had, may be reviewed by the Supreme Court....". See also Desi's Pizza, Inc. v. City of Wilkes Barre, 321 F.3d 411, 419

> (3d Cir.2003). "Since Congress has never conferred a similar power of review on the United States District Courts, the Supreme Court has inferred that Congress did not intend to empower District Courts to review state court decisions." Desi's Pizza, 321 F.3d at 419.

Gary v. Braddock Cemetery, 517 F.3d 195, 200 (3d Cir.2008).

Because federal district courts are not empowered by law to sit as reviewing courts, reexamining state court decisions, "[t]he Rooker–Feldman doctrine deprives a federal district court of jurisdiction in some circumstances to review a state court adjudication." Turner v Crawford Square Apartments III, LLP, 449 F.3d 542, 547 (3d Cir.2006). Cases construing this jurisdictional limit on the power of federal courts have quite appropriately:

> [E]mphasized the narrow scope of the Rooker–Feldman doctrine, holding that it "is confined to cases of the kind from which the doctrine acquired its name: cases brought by state- court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments." [Exxon Mobil Corp. v. Saudi Basic Industries Corp.], 544 U.S. at 284, 125 S.Ct. at 1521–22; see also Lance v. Dennis, 546 U.S. 459, ——, 126 S.Ct. 1198, 1201, 163 L.Ed.2d 1059 (2006).

Id.

However, even within these narrowly drawn confines, it has been consistently recognized that the Rooker–Feldman doctrine prevents federal judges from considering civil rights lawsuits which seek to re- examine state domestic relations court rulings that are presented "by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced." Kwasnik v. Leblon, 228 F. App'x 238, 242 (3d Cir.2007). In such instances, the federal courts have typically deferred to the state court domestic relations decisions, and rebuffed efforts to use federal civil rights laws to review, or reverse, those state court rulings. See, e.g., Marran v. Marran, 376 F.3d 143 (3d Cir.2004); Kwasnik 228 F. App'x 238, 242; Smith v. Department of Human Services, 198

> F. App'x 227 (3d Cir.2006); Van Tassel v. Lawrence County Domestic Relations Section, 659 F.Supp.2d 672, 690 (W.D.Pa.2009) aff'd sub nom. Van Tassel v. Lawrence County Domestic Relations Sections, 390 F. App'x 201 (3d Cir.2010) (Rooker–Feldman doctrine operates as a jurisdictional bar to plaintiff's claims if the injuries of which she complains were caused by a state court judgment or ruling which was entered against her); Buchanan v. Gay, 491 F.Supp.2d 483, 487 (D.Del.2007); Rose v. County of York, No. 05–5820, 2007 WL 136682 (E.D.Pa. Jan.12, 2007); Logan v. Lillie, 965 F.Supp. 695, 696 (E.D.Pa.1997) aff'd, 142 F.3d 428 (3d Cir.1998); Behr v. Snider, 900 F.Supp. 719, 721 (E.D.Pa.1995).

Rose v. York Cnty., No. 1:13-CV-2056, 2013 WL 4456220, at *3–4 (M.D. Pa. Aug. 1, 2013), report and recommendation adopted, No. 1:13-CV-2056, 2013 WL 4434748 (M.D. Pa. Aug. 16, 2013). Simply put, under the Rooker-Feldman doctrine the plaintiffs are not entitled to relief which would necessarily imply the invalidity of at least some state court orders. The plaintiffs cannot overcome this bar, as they attempt to do, by asserting that the state court orders they challenge are void or illegitimate. The determination of the validity of a state court order in a pending state case is a task for the state courts to decide. The plaintiffs cannot invite us to serve as some form of *ad hoc* state appellate court, ruling on the legitimacy of state court orders. Since this is precisely what the plaintiffs urge us to do in their pleading, this complaint fails as a matter of law and should be dismissed.

2. <u>The Younger Abstention Doctrine Also Applies Here</u>.

Beyond inviting us to set aside orders previously entered in the state court litigation, the plaintiffs' complaint also reaches out prospectively insisting that we should dictate the future course of the litigation by enjoining the state courts from taking any further action that displeases Lewis and Holmes in this domestic relations litigation. To the extent that the plaintiffs invite us to enjoin future enforcement of state court orders in a pending domestic relations case, this *pro se* pleading runs afoul of another settled tenet of federal law, the <u>Younger</u> abstention doctrine.

The <u>Younger</u> abstention doctrine is inspired by basic considerations of comity that are fundamental to our federal system of government. As defined by the courts: "<u>Younger</u> abstention is a legal doctrine granting federal courts discretion to abstain from exercising jurisdiction over a claim when resolution of that claim would interfere with an ongoing state proceeding." Kendall v. Russell, 572 F.3d 126, 130 (3d Cir. 2009) (citing Younger v. Harris, 401 U.S. 37, 41 (1971) ("[W]e have concluded that the judgment of the District Court, enjoining appellant Younger from prosecuting under these California statutes, must be reversed as a violation of the national policy forbidding federal courts to stay or enjoin pending state court proceedings except under special circumstances")).

This doctrine, which is informed by principles of comity, is also guided by these same principles in its application. As the Third Circuit has observed:

> "A federal district court has discretion to abstain from exercising jurisdiction over a particular claim where resolution of that claim in federal court would offend principles of

> comity by interfering with an ongoing state proceeding." Addiction Specialists, Inc. v. Twp. of Hampton, 411 F.3d 399, 408 (3d Cir.2005) (citing Younger v. Harris, 401 U.S. 37, 91 S.Ct. 746, 27 L.Ed.2d 669 (1971)). As noted earlier, the Younger doctrine allows a district court to abstain, but that discretion can properly be exercised only when (1) there are ongoing state proceedings that are judicial in nature; (2) the state proceedings implicate important state interests; and (3) the state proceedings afford an adequate opportunity to raise federal claims. Matusow v. Trans-County Title Agency, LLC, 545 F.3d 241, 248 (3d Cir.2008).

Kendall, 572 F.3d at 131.

Once these three legal requirements for Younger abstention are met, the decision to abstain rests in the sound discretion of the district court and will not be disturbed absent an abuse of that discretion. Lui v. Commission on Adult Entertainment Establishments, 369 F.3d 319, 325 (3d Cir. 2004). Moreover, applying these standards, federal courts frequently abstain from hearing matters which necessarily interfere with on-going state cases. Lui, 369 F.3d 319; Zahl v. Harper, 282 F.3d 204 (3d Cir.2002). Indeed, the Court of Appeals has expressly applied Younger abstention to state court domestic relations litigation, holding that: "This is precisely the type of case suited to Younger abstention, as the state proceeding implicates the important state interest of preserving the state's judicial system." Lazaridis v. Wehmer, 591 F.3d 666, 671 (3d Cir.2010).

In this case, the plaintiff's *pro se* complaint reveals that all of the legal prerequisites for Younger abstention are present. First, it is evident that there are state proceedings in this case. In fact, the plaintiffs have filed pleadings that acknowledge ongoing state court hearings but voiced an intent to boycott those proceedings, a contumacious course of conduct which they invite us to endorse by enjoining the state courts. Second, it is also apparent that those proceedings afford the plaintiffs a full and fair opportunity to litigate the issues raised in this lawsuit in these state cases. See Sullivan v. Linebaugh, 362 F. App'x 248, 249–50 (3d Cir. 2010). Finally, it is clear that the state proceedings implicate important state interests, since the state case involves domestic relations matters, an issue of paramount importance to the state. See Lazaridis, 591 F.3d at 671. Since the legal requirements for Younger abstention are fully met here, the decision to abstain rests in the sound discretion of this Court. However, given the important state interest in enforcement of its domestic relations rulings and recognizing that the state courts are prepared to fully address the merits of these matters, we believe that the proper exercise of this discretion weighs in favor of abstention and dismissal of this complaint.

3. <u>The Anti-Injunction Act Applies Here.</u>

Additionally, as we have noted, in this *pro se* complaint the plaintiffs seek an extraordinary form of injunctive relief in that they invite us to enjoin pending state court litigation and prescribe the manner in which the state courts must address their concerns in the future. This prayer for relief encounters another immediate statutory hurdle—the Anti-Injunction Act. As the court of appeals has aptly observed:

> That statute reads as follows: "A court of the United States may not grant an injunction to stay proceedings in a State court except [1] as

expressly authorized by Act of Congress, or [2] where necessary in aid of its jurisdiction, or [3] to protect or effectuate its judgments." 28 U.S.C. § 2283.

The general rule is thus that "an injunction against execution or any other proceeding to enforce a state judgment is forbidden as well as one against the prosecution of state litigation to obtain a judgment." Jos. L. Muscarelle, Inc. v. Cent. Iron Mfg. Co., 328 F.2d 791, 793 (3d Cir. 1964). And while there are three statutorily prescribed exceptions, those exceptions "are to be construed narrowly," In re Diet Drugs, 282 F.3d 220, 233 (3d Cir. 2002), the practical effect of which is that the A-IA "prohibits most federal court injunctions staying state court proceedings," In re Prudential Ins. Co. of Am.

Sales Pracs. Litig., 314 F.3d 99, 103 (3d Cir. 2002).

Norton v. Adams, No. 25-2361, 2025 WL 2231797, at *2 (3d Cir. Aug. 1, 2025).

The United States Supreme Court has underscored for us the central role which the Anti-Injunction Act plays in defining the comity owed to state courts in our federal system, explaining that:

> Any doubts as to the propriety of a federal injunction against state court proceedings should be resolved in favor of permitting the state courts to proceed in an orderly fashion to finally determine the controversy. The explicit wording of § 2283 itself implies as much, and the fundamental principle of a dual system of courts leads inevitably to that conclusion.

Atl. Coast Line R. Co. v. Bhd. of Locomotive Eng'rs, 398 U.S. 281, 297, 90 S. Ct. 1739, 1748, 26 L. Ed. 2d 234 (1970).

On occasion, litigants in state domestic relations cases have turned to the federal courts seeking to enjoin these state proceedings. This litigation has taken many different forms over time, but in light of the statutory and prudential limits set on the exercise of federal courts when it comes to enjoining state Domestic relations proceedings, these efforts have routinely encountered the same fate, rejection by the courts. Thus, a rising tide of caselaw has found that the Anti-Injunction Act bars attempts to enjoin pending state domestic relations cases like these PFA proceedings.[3]

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[3]Reid v. Luna, No. 23-CV-4818, 2023 WL 8720666, at *1 (E.D. Pa. Dec. 18, 2023);

Nonetheless, we are reminded that the Anti-Injunction Act should not be applied in a reflexive or categorical fashion to bar state court injunctions. Norton v. Adams, No. 25-2361, 2025 WL 2231797, at *3 (3d Cir. Aug. 1, 2025). Rather, we must individually assess whether the plaintiffs' claims fall within any of the three narrowly construed statutory exceptions to the Act. Id. at *2. Having conducted this individualized examination, we find that the plaintiffs cannot avail themselves of any of these narrowly crafted exceptions to the rule forbidding federal injunctions of state court proceedings.

At the outset, it is clear that the Act's third exception—which allows this Court to enjoin state proceedings when necessary "to protect or effectuate

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Bonawitz v. Fosko, No. 3:CV-14-0783, 2014 WL 1745890, at *2 (M.D. Pa. Apr. 30, 2014);Steinbronn v. City of Philadelphia, No. CIV. A. 92-3744, 1992 WL 328923, at *2 (E.D. Pa. Oct. 27, 1992).

its judgments" 28 U.S.C. § 2283—has no application in this case. This exception is plainly inapposite since we have entered no judgments in favor of the plaintiffs which need protection through injunctive relief.

Likewise, upon reflection, the plaintiffs cannot rely on the first narrow exception to the Anti-Injunction Act which allows federal courts to enjoin state legal proceedings when expressly authorized by Act of Congress to obtain the extraordinary relief which they seek. On this score, it bears repeating that, essentially, the plaintiffs invite us under the federal civil rights statute, 42 U.S.C. § 1983, to enjoin state judges to rule in his favor in specific ways in their cases. As a § 1983 injunction targeting a state court, this claim is not "expressly authorized by Act of Congress." Quite the contrary, longstanding precedent, and the plain language of § 1983 specifically caution against such injunctions.

In the first instance:

> The Supreme Court long has recognized that judges are immune from suit under section 1983 for monetary damages arising from their judicial acts. See Mireles v. Waco, 502 U.S. 9, 9, 112 S.Ct. 286, 287, 116 L.Ed.2d 9 (1991); Forrester v. White, 484 U.S. 219, 225–27, 108 S.Ct. 538, 543–44, 98 L.Ed.2d 555 (1988); Stump v. Sparkman, 435 U.S. 349, 355–56, 98 S.Ct. 1099, 1104, 55 L.Ed.2d 331 (1978).

Gallas v. Supreme Ct. of Pennsylvania, 211 F.3d 760, 768–69 (3d Cir. 2000).

Moreover, this longstanding judicial immunity from liability under § 1983 for damages claims has also been extended by Congress to claims for injunctive relief which target state judges. By its terms this seminal civil rights statute largely forbids such claims, stating that:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, *except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.*

42 U.S.C. § 1983 (emphasis added).

In this case, notwithstanding the plaintiffs' sweeping allegations of systematic abuse by the courts, these litigants simply have not alleged well pleaded facts which would support a finding that a declaratory decree was violated or that declaratory relief is unavailable. Rather, it seems clear that the plaintiffs have avenues of declaratory relief available to them through the state court system. Therefore, they have not made the exacting showing necessary to fall within this narrowly construed exception to the Anti-Injunction Act.

Finally, it cannot be said in this case that the plaintiffs may avail themselves of the final exception to the Anti-Injunction Act's prohibition against enjoining state court proceedings, an exception that allows federal courts to enjoin state cases where necessary in aid of its jurisdiction. This exception is unavailable to the plaintiffs because—as discussed below—their legal claims fail on their merits for a host of reasons.

4. <u>The Plaintiffs' Federal Civil Rights Claims Fail as a Matter of Law.</u>

Beyond these initial concerns, the plaintiffs' federal civil rights complaint is substantively flawed in yet another crucial respect. Stripped to its essence, the plaintiffs' complaint attempts to bring federal civil rights claims against private litigants and a law firm for actions taken representing a client in some state domestic relations litigation. To the extent that the plaintiffs seek to sue private parties, and their attorneys and law firms alleging federal civil rights violations, they fundamentally misconstrue the reach of the federal civil rights statute upon which they rely, 42 U.S.C. § 1983.

It is well established that § 1983 does not, by its own force, create new and independent legal rights to damages in civil rights actions. Rather, § 1983 simply serves as a vehicle for private parties to bring civil actions to vindicate violations of separate and pre-existing legal rights otherwise guaranteed under the Constitution and laws of the United States. Albright v. Oliver, 510 U.S. 266, 271 (1994); Graham v. Connor, 490 U.S. 386, 393-94 (1989). Therefore, any analysis of the legal sufficiency of a cause of action under § 1983 must begin with an assessment of the validity of the underlying constitutional and statutory claims advanced by the plaintiff.

In this regard, it is also well settled that:

> Section 1983 provides a remedy for deprivations of federally protected rights caused by persons acting under color of state law. The two essential elements of a § 1983 action are: *(1) whether the conduct complained of was committed by a person acting under color*

> *of state law*; and (2) whether this conduct deprived a person of a federally protected right.
>
> Parratt v. Taylor, 451 U.S. 527, 535 (1981).

Boykin v. Bloomsburg Univ., 893 F.Supp. 409, 416 (M.D. Pa. 1995), aff'd, 91 F.3d 122 (3d Cir. 1996) (emphasis added). Thus, it is essential to any civil rights claim brought under § 1983 that the plaintiff allege and prove that the defendants were acting under color of law when that defendant allegedly violated the plaintiffs' rights. To the extent that a complaint seeks to hold private parties liable for alleged civil rights violations, it fails to state a valid cause of action under 42 U.S.C. § 1983 since the statute typically requires a showing that the defendants are state actors. Am. Mfrs. Mut. Ins. Co. v. Sullivan, 526 U.S. 40, 49-50 (1999).

This principle applies with particular force to civil rights plaintiffs, like these plaintiffs who may also invite the courts to consider lawsuits against private parties and attorneys for their roles representing clients in litigation. With respect to this state action requirement, it is well settled that the conduct of an attorney representing a client in a state case does not, by itself, rise to the level of state action entitling a plaintiff to bring a federal civil rights action against counsel. See, e.g., West v. Atkins, 487 U.S. 42, 50 (1988); Polk County v. Dodson, 454 U.S. 312 (1981); Pete v. Metcalfe, 8 F.3d 214 (5th Cir. 1993). Therefore, to the extent that the complaint seeks to sue private parties, attorneys and law firms for federal civil rights violations arising out of their role as counsel in state domestic relations litigation, these claims fail as a matter of law and should be dismissed.

5. <u>The Plaintiffs May Not Use a Civil Case as a Vehicle for a Criminal Prosecution</u>.

In addition, the plaintiffs' civil complaint cites to a plethora of federal criminal statutes and apparently invites us to either imply that federal criminal statutes give rise to implied private rights of action or engage in some form of criminal inquest or proceedings in the context of this civil lawsuit.

This we may not do.

At the outset, Lewis and Holmes err in generally implying a private right of action based upon federal criminal statutes. Quite the contrary, in this regard:

> The Court is guided by the general principle that courts are "reluctant to infer a private right of action from a criminal prohibition alone," especially where the criminal statute is "bare" as to private enforcement. <u>Cent. Bank of</u>

Denver v. First Interstate Bank of Denver, 511 U.S. 164, 190 (1994); see also Leeke v. Timmerman, 454 U.S. 83, 86 (1981) (holding that private citizens cannot compel criminal prosecution). To this end, the Third Circuit has repeatedly held that criminal statutes generally do not create private rights of action. See Tezler v. Borough of Englewood Cliffs, 783 F. App'x 253, 257–58 (3d Cir. 2019); Timm v. Wells Fargo Bank, 701 F. App'x 171, 175 (3d Cir. 2017); Coleman v. Academy Bus, LLC, 858 F. App'x 584, 585 (3d Cir. 2021); see also Caterbone v. Lancaster City Bureau of Police, Civil Action No. 18-CV-2710, 2018 WL 3549266 at *3 (E.D. Pa. July 24, 2018) ("Criminal statutes do not generally provide a basis for a litigant's civil claims, and this Court lacks the authority to initiate criminal proceedings.").

Miller v. Nelling, No. CV 22-3329-KSM, 2023 WL 2743564, at *3 (E.D. Pa. Mar. 31, 2023).

Nor can the plaintiffs convert this civil case into a vehicle for instigating a criminal prosecution of others. Rather, it is well established that decisions regarding the filing of criminal charges are the prerogative of the executive branch of government, are consigned to the sound discretion of prosecutors, and under the separation of powers doctrine are not subject to judicial fiat. Indeed, it has long been recognized that the exercise of prosecutorial discretion is a matter, "particularly ill- suited to judicial review." Wayte v. United States, 470 U.S. 598, 607, 105 S.Ct. 1524, 84 L.Ed.2d 547 (1985). Recognizing this fact, courts have long held that a civil rights plaintiff may not seek relief in civil litigation in the form of an order directing the criminal prosecution of some third parties, finding that civil plaintiffs lack standing to make such claims and concluding that such relief simply is unavailable in a civil lawsuit. See, e.g., Ostrowski v. Mehltretter, 20 F. App'x. 87, 90 (2d Cir.2001); See also Kim v. Romero, 877 F.2d 64, 1989 WL 67116 at *1 (9th Cir. June 14, 1989) (affirming the dismissal of a suit against various prosecuting authorities for their failure to bring charges against a sheriff for alleged battery); McMinn v. Damiani, 765 F.2d 145, 1985 WL 13323 (6th Cir. May 3, 1985) (affirming the dismissal for lack of standing a pro se civil rights case where plaintiff had sued state prosecuting authorities for failing to investigate or prosecute claims against various state judges and lawyers); Gessner v. Dep't of Corr., 3:14-CV-111, 2014 WL 972290 (M.D. Pa. Mar. 12, 2014); Snyder v. Aaron, CIV.A. 05B1602, 2006 WL 544466 (W.D.Pa. Mar.6, 2006).

Therefore, to the extent that the plaintiffs attempt to generally imply private rights of action from federal criminal statutes or assert a right to pursue criminal charges in the guise of a civil lawsuit these claims also fail as a matter of law and should be dismissed.

6. The Plaintiffs' Supplemental State Law Claims Should Be Dismissed.

Simply put, the complaint lodged by the plaintiffs fails to state any cognizable federal claims. Therefore, the plaintiffs' federal claims—which form the grounds for their filing in this Court—should be dismissed. The proposed disposition of the plaintiffs' federal legal claims, in turn, dictates the appropriate course the Court may wish to follow in addressing the ancillary state law claims that the plaintiffs wish to pursue.

In a case such as this, where the jurisdiction of the federal court was premised on alleged federal claims which are found to be subject to dismissal at the outset of litigation, the proper course generally is for "the court [to] decline to exercise supplemental jurisdiction over the plaintiff's state law claims. 28 U.S.C. § 1367(c)(3) ("The district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a) if- ... the district court has dismissed all claims over which it has original jurisdiction."); United Mine Workers v. Gibbs, 383 U.S. 715, 726 (1966) (holding that when federal causes of action are dismissed, federal courts should not separately entertain pendent state claims)." Bronson v. White, No. 05-2150, 2007 WL 3033865, *13 (M.D. Pa. Oct. 15, 2007) (Caputo, J.) (adopting report and recommendation dismissing ancillary malpractice claim against dentist); see Ham v. Greer, 269 F. App'x 149, 151 (3d Cir. 2008) (citing United Mine Workers, 383 U.S. at 726 and Tully v. Mott Supermkts., Inc., 540 F.2d 187, 196 (3d Cir. 1976)) ("Because the District Court appropriately dismissed [the inmate's] Bivens claims, no independent basis for federal jurisdiction remains"). As the Supreme Court has aptly observed:

> Needless decisions of state law should be avoided both as a matter of comity and to promote justice between the parties, by procuring for them a surer-footed reading of applicable law. Certainly, if the federal claims are dismissed before trial, even though not insubstantial in a jurisdictional sense, the state claims should be dismissed as well.

United Mine Workers, 383 U.S. at 726 (footnotes omitted).

The basic tenet that we should refrain from needlessly asserting jurisdiction over what are essentially state law claims applies with particular force here given that the remedies sought by Lewis and Holmes necessarily invite us to re-examine and potentially interfere with prior state court proceedings in the field of domestic relations. We should approach such issues with great caution given our lack of jurisdiction in this field since:

> The domestic relations exception "divests the federal courts of power to issue divorce, alimony, and child custody decrees," Ankenbrandt v. Richards, 504 U.S. 689, 703, 112 S.Ct. 2206, 119 L.Ed.2d 468 (1992), because it has long been settled that "[t]he whole subject of the domestic relations of husband and wife ... belongs to the laws of the states, and not to the laws of the United States," Ex parte Burrus,

136 U.S. 586, 593–94, 10 S.Ct. 850, 34 L.Ed. 500 (1890).

Daniels v. Cynkin, 34 F. Supp. 3d 433, 441 (D.N.J. 2014), aff'd, 597 F. App'x 704 (3d Cir. 2015).

In the instant case, we have recommended that Lewis and Holmes' federal claims should be dismissed. We also note that the plaintiffs' remaining state law claims directly implicate the domestic relations doctrine and are matters that are left "to the laws of the states, and not to the laws of the United States." Id. Therefore, in the exercise of our discretion, this Court should decline to assert supplemental jurisdiction over potential ancillary state law domestic relations claims in this case where all potential federal claims brought before us fail as a matter of law. Accordingly, these pendent state law claims should also be dismissed without prejudice to pursuit of these state law claims in state court. See

Payne v. Doe #1, No. 1:22-CV-1876, 2023 WL 3493315, at *5–6 (M.D. Pa. Mar. 27, 2023), report and recommendation adopted, No. 1:22-CV-1876, 2023 WL 3480895 (M.D. Pa. May 16, 2023).These state courts stand ready to hear the plaintiffs' claims.

III. Recommendation

Accordingly, for the foregoing reasons, IT IS RECOMMENDED that the plaintiffs' motions for entry of default judgment, (Docs. 139, 141), be DENIED and the complaint be DISMISSED as to all defendants.

The parties are further placed on notice that pursuant to Local Rule 72.3:

> Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in 28 U.S.C. § 636 (b)(1)(B) or making a recommendation for the disposition of a

prisoner case or a habeas corpus petition within fourteen (14) days after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the magistrate judge, making his or her own determination on the basis of that record. The judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.

Submitted this 21st day of October 2025.

S/Martin C. Carlson
Martin C. Carlson
United States Magistrate Judge

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About the Authors

LEWDO – **William Edgar Lewis, Jr.**

William Edgar Lewis, **Jr**., known creatively as **Lewdo**, is an author, artist, veteran, independent researcher, and civil-rights advocate whose work is rooted in truth, accountability, self-determination, and **Black** excellence. Refusing to allow difficult circumstances to define the limits of his voice, **Lewdo** has transformed personal adversity into books, music, public advocacy, and a growing body of work intended to challenge people to think critically about justice, government, family, community, and the power of standing firmly in one's own truth.

His journey represents a different image of activism - one built not only through protest, but through research, documentation, authorship, creativity, persistence, and the courage to question powerful institutions. When confronted with a legal battle that directly affected his family and constitutional rights, **Lewdo** did not simply surrender because he lacked traditional legal representation. Alongside his *fiancée*, **Monique** "**MoBetta**" **Holmes**, he helped research the law, prepare filings, preserve records, pursue federal appeals, and carry their fight toward the highest levels of the **American** judicial system.

As a **Black** man, creator, and veteran, **Lewdo** views **Black** excellence as ownership - of one's knowledge, creativity, story, business, legacy, and voice. His work encourages others to become more informed about the systems surrounding them rather than assuming those systems will always speak for them.

Whether through **The LOUDEST Silence**: **Pennsylvania on Trial**, **Supreme Justice**, his music, or his broader creative work, **Lewdo's** message remains consistent: your circumstances may alter part of your story, *still*, you dictate the final authority on who you become.

Freedom isn't **Free**... **What are you willing to pay for it**? – Lewdo & MoBetta

For more information visit **Lewdo** at:
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s/William Edgar Lewis Jr
s/Lewdo

Lewdo = York County Court of Common Pleas
Jan. 7, 2025

2025-SU-000055 2025-SU-000056 2025-SU-000057
2025-SU-000058 2025-SU-000059 2025-SU-000060

MOBETTA – Monique Naté Holmes

Monique Naté Holmes, known as **MoBetta**, is an author, mother, advocate, and emerging voice for **Black** women whose strength is expressed through compassion, perseverance, family, and an unwavering pursuit of justice. Her story embodies a form of **Black** excellence that is both powerful and deeply human - the determination to remain loving without becoming passive, feminine without becoming silent, and compassionate without surrendering the right to demand accountability.

Her advocacy grew from lived experience. What began as a deeply personal struggle involving motherhood and family evolved into a broader fight concerning parental rights, due process, access to justice, civil rights, and governmental accountability. Rather than allowing others to exclusively define or document her experience, **MoBetta** became one of its authors. Together with her *fiancé*, **William** "**Lewdo**" **Lewis**, **Jr**., she participated in researching, documenting, writing, and preserving the story of a legal struggle they have confronted, *face*-to-*face*, side by side.

Through her writing, *particularly* **Gift of Custody**, **MoBetta** speaks to mothers, daughters, women, and families who understand that strength isn't always loud. Sometimes it's the silent decision to continue loving, learning, creating, and standing, even after life has given you every reason to lie down.

MoBetta represents **Black** womanhood as authorship rather than stereotype, motherhood as strength rather than limitation, and advocacy as the willingness to turn personal pain into knowledge that may help someone else.

Alongside **Lewdo**, she is building more than a record of what happened to them. She is helping create a legacy centered on **Black** love, **Black** family, **Black** intellectual independence, resilience, ownership, and the belief that excellence also means having the courage to fight for *your* better future.

Freedom **isn't Free**... **What are you willing to pay for it**? – MoBetta & Lewdo

For more information visit **MoBetta** at:
https://www.**MrsMoBetta**.com.

s/Monique Naté Holmes
s/MoBetta

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