

Case No.

ZIA SHAIKH,

*Petitioner*

v.

MADELINE F EINBINDER J.S.C

MARLENE L FORD A.J.S.C

JOHN S. DORAN J.S.C

DEBORAH H. SCHRON J.S.C

FRANCIS HODGSON J.S.C

LISA P. THORTON A.J.S.C

*(All under individual and official capacities)*

*Defendants*

**APPENDIX OF DOCUMENTS SUBMITTED BY THE PETITIONER**

UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT

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No. 21-3115

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ZIA SHAIKH,

Appellant

v.

MADELINE EINBINDER, J.S.C.; MARLENE L. FORD, A.J.S.C.;

JOHN S. DORAN, J.S.C.; FRANCIS HODGSON, J.S.C.;

LISA P. THORTON, A.J.S.C.; DEBORAH H. SCHRON

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On Appeal from the United States District

Court for the District of New Jersey

(D.C. Civil Action No. 20-cv-02540)

District Judge: Honorable Zahid N. Quraishi

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Submitted Pursuant to Third Circuit LAR 34.1(a)

April 14, 2022

Before: RESTREPO, PHIPPS, and COWEN, Circuit Judges

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**JUDGMENT**

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This cause came to be considered on the record from the United States District Court for the District of New Jersey and was submitted pursuant to Third Circuit LAR 34.1(a) on April 14, 2022. On consideration whereof, it is now hereby

**ORDERED** and **ADJUDGED** by this Court that the judgment of the District Court entered November 1, 2021, be and the same is hereby **AFFIRMED**. Costs will not be taxed. All of the above in accordance with the opinion of this Court.

Case: 21-3115 Document: 11-1 Page: 2 Date Filed: 05/03/2022

ATTEST:

s/ Patricia S. Dodszuweit

Clerk

Dated: May 3, 2022

OFFICE OF THE CLERK

PATRICIA S.  
DODSZUWEIT

UNITED STATES COURT OF  
APPEALS

TELEPHONE

FOR THE THIRD CIRCUIT

215-597-2995

21400 UNITED STATES

COURTHOUSE

Case: 21-3115 Document: 11-2 Page: 1 Date Filed: 05/03/2022

CLERK



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Website: [www.ca3.uscourts.gov](http://www.ca3.uscourts.gov)

May 3, 2022

Zia Shaikh

200 Village Center Drive

Unit 7381

Freehold, NJ 07728

RE: Zia Shaikh v. Madelin Einbinder, et al

Case Number: 21-3115

District Court Case Number: 3-20-cv-02540

### ENTRY OF JUDGMENT

Today, **May 03, 2022** the Court entered its judgment in the above-captioned matter pursuant to Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

#### Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

#### Form Limits:

3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App. P. 32(g).

15 pages if hand or type written.

Attachments:

A copy of the panel's opinion and judgment only.

Certificate of service.

Certificate of compliance if petition is produced by a computer.

No other attachments are permitted without first obtaining leave from the Court.

Case: 21-3115 Document: 11-2 Page: 2 Date Filed: 05/03/2022

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing.

Pursuant to Fed. R. App. P. 35(b)(3), if separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to the form limits as set forth in Fed. R. App. P. 35(b)(2). If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

A party who is entitled to costs pursuant to Fed.R.App.P. 39 must file an itemized and verified bill of costs within 14 days from the entry of judgment. The bill of costs must be submitted on the proper form which is available on the court's website.

A mandate will be issued at the appropriate time in accordance with the Fed. R. App. P. 41.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very truly yours,

Patricia S. Dodszeit, Clerk

By: s/Pamela/AMR

Case Manager

267-299-4943

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT

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No. 21-3115

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ZIA SHAIKH,

Appellant

v.

MADeline EINBINDER, J.S.C.; MARLENE L. FORD, A.J.S.C.;

JOHN S. DORAN, J.S.C.; FRANCIS HODGSON, J.S.C.;

LISA P. THORTON, A.J.S.C.; DEBORAH H. SCHRON

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District Judge: Honorable Zahid N. Quraishi

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Submitted Pursuant to Third Circuit LAR 34.1(a)

April 14, 2022

Before: RESTREPO, PHIPPS, and COWEN,\* Circuit Judges

(Opinion filed: May 3, 2022)

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\* The Honorable Robert E. Cowen assumed inactive status on April 1, 2022, after the argument and conference in this case, but before the filing of the opinion. This

opinion is filed by a quorum of the panel pursuant to 28 U.S.C. § 46(d) and Third Circuit I.O.P. Chapter 12.

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OPINION\*

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PER CURIAM

Zia Shaikh appeals the District Court's order dismissing his second amended complaint and denying his motion for a preliminary injunction. For the reasons below, we will affirm the District Court's order.

In July 2020, Shaikh filed a complaint, alleging that his rights were violated by the decisions of several state court judges in his family court proceedings. Because Shaikh was proceeding in forma pauperis, the District Court screened the complaint before service on the defendants pursuant to 28 U.S.C. § 1915(e)(2)(B). It determined that the defendants were entitled to judicial immunity, dismissed the complaint, and denied Shaikh's request for a preliminary injunction. It gave him the opportunity to file an amended complaint that cured the original complaint's deficiencies. After Shaikh filed an amended complaint, the District Court again

screened and dismissed it, concluding that he had not cured the deficiencies. It gave Shaikh one final opportunity to amend his complaint.

Shaikh filed a second amended complaint, noting that he would only be discussing the “non-judicial and criminal actions” by the defendant judges. He then repeated many

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

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of the allegations from the original and amended complaints. The District Court screened the second amended complaint and dismissed it, concluding that Shaikh had again failed to cure the deficiencies in his claims against the judicial defendants. It denied Shaikh’s request for a preliminary injunction as moot. Shaikh filed a timely notice of appeal.†

In his brief, Shaikh argues that the judicial defendants were not entitled to immunity because their actions fall within the exceptions set forth in Mireles v. Waco, 502 U.S. 9 (1991). In Mireles, the Supreme Court held that judges do not have immunity for “nonjudicial actions” or “actions taken in the complete absence of all jurisdiction.” Id. at 11-12. We agree with the District Court that neither

exception applies here and that the defendants were entitled to judicial immunity.

See Stump v. Sparkman, 435 U.S.

349, 355–56 (1978) (judges not civilly liable for judicial acts); Azubuko v. Royal, 443 F.3d 302, 303 (3d Cir. 2006) (per curiam). The actions Shaikh challenges in his second amended complaint were taken by the defendant judges in their judicial capacity and not in the complete absence of jurisdiction.

Shaikh also contends that the District Court dismissed his second amended complaint prematurely before the defendants raised the defense of judicial immunity. However, because Shaikh proceeded in forma pauperis, the District Court properly screened and dismissed his second amended complaint before service pursuant to 28

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† We have jurisdiction pursuant to 28 U.S.C. § 1291.

U.S.C. § 1915(e)(2)(B)(iii) (requiring the District Court to dismiss cases that seek monetary relief against a defendant who is immune).

Finally, Shaikh argues that he will suffer irreparable harm without a preliminary injunction but does not specify what injunctive relief he is requesting or

explain why he is entitled to such relief. A passing reference is not sufficient to raise an issue. Laborers'

Int'l Union of N. Am., AFL-CIO v. Foster Wheeler Corp., 26 F.3d 375, 398 (3d Cir. 1994); see Kost v. Kozakiewicz, 1 F.3d 176, 182 (3d Cir. 1993) (“[A]ppellants are required to set forth the issues raised on appeal and to present an argument in support of those issues in their opening brief.”). Even with the liberal pleading standards afforded to pro se litigants, see Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam), Shaikh’s brief is not sufficient. See Barna v. Bd. of Sch. Dirs. of Panther Valley Sch. Dist., 877

F.3d 136, 145-46 (3d Cir. 2017) (“[W]e have consistently refused to consider illdeveloped arguments or those not properly raised and discussed in the appellate briefing.”). Moreover, because the relief sought by Shaikh in the District Court does not concern actions by the defendants taken outside of their judicial capacity<sup>‡</sup> and Shaikh has not alleged that a declaratory decree was violated or that declaratory relief is unavailable, his claims for injunctive relief are barred. See 42 U.S.C. § 1983 (providing that

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<sup>‡</sup> In the District Court, Shaikh requested that the District Court (1) vacate a bench warrant against him for failure to pay child support; (2) dismiss the case against him for child support arrears because he is purportedly exempt as an independent

business owner; and (3) give him custody of his children pursuant to a “jury verdict” from an online company in Arizona.

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injunctive relief may not be granted against a judicial officer for acts taken in her judicial capacity unless a declaratory decree was violated or such relief is

unavailable); Azubuko,

443 F.3d at 303-04.

For the above reasons, we will affirm the District Court’s order.

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**APPENDIX “B”**

**Nov’ 01, 2021 District court ORDER** of Dismissal of the Petitioner’s Complaint  
by the United States District Court New Jersey in case No: 3:20-CV-02540-ZNQ-  
TJB.

Other Orders/Judgments

3:20-cv-02540-ZNQ-TJB SHAIKH

v. EINBINDER et al

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U.S. District Court

District of New Jersey ILIVEI

Notice of Electronic Filing

The following transaction was entered on 11/1 /2021 at 2:08 PM EDT and filed on 11/1 /2021

Case Name: SHAIKH v.

EINBINDER et al Case Number:

3:20-cv-02540-ZNQ-TJB Filer:

WARNING: CASE CLOSED on

11/01/2021 Document Number: 22

Docket Text:

ORDER that this case shall be reopened; Plaintiff's third Amended Complaint [19] is hereby DISMISSED WITH PREJUDICE; The Motion for Preliminary Injunction is Denied as moot; This case shall be marked closed. Signed by

Judge Zahid N. Quraishi on 11/1/2021. (mg)



3:20-cv-02540-ZNQ-TJB Notice has been electronically mailed to:

3:20-cv-02540-ZNQ-TJB Notice has been sent by regular U.S. Mail:

ZIA SHAIKH

200 VILLAGE CTR. DR.

UNIT 7381

FREEHOLD, NJ 07728

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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ZIA SHAIKH,

Case No. 20-2540 (ZNQ)(TJB)

Plaintiff,

**ORDER**

MADELINE F. EINBINDER, et al.,

Defendants.

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THIS MATTER is opened to the Court by Plaintiff Zia Shaikh's ("Plaintiff") <sup>1</sup>third

Amended Complaint, (ECF No. 19), which the Court is required to screen pursuant to 28 U.S.C. 1915 and the Court's prior November 25, 2020 Order, (ECF No. 8). <sup>2</sup>Also before the Court is Plaintiffs third Motion for a Preliminary Injunction (ECF No. 21) to vacate a November 28, 2017 bench warrant in connection with Ocean County Docket No. FM-15-50014W. (See ECF Nos. 6, 11.)

Plaintiffs third Amended Complaint continues to make allegations against judicial officers, but it again fails to cure the deficiencies with respect to pleading a cause of action against judicial officers that were addressed in the Court's previous Opinion (ECF No. 7) and subsequent Orders of Dismissal, (ECF Nos. 8, 14). Nearly a year has passed since the Court first rejected Plaintiffs initial Complaint on November 25, 2020. After reviewing Plaintiffs multiple attempts to cure its defects over that time and having placed Plaintiff on notice in the last Order that this would be his final opportunity to amend his Complaint, the Court finds

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Plaintiff has multiple cases before this Court, including but not limited to Case Numbers: 19-14092; 19-20597; 20-2540; 20-11057; 20-20003; 20-20005; 20-20007; 20-20008.

This Court previously granted Plaintiff's application to proceed *in forma pauperis* (ECF No. 3), dismissed Plaintiff's original complaint for seeking relief against immune defendants (ECF Nos. 7, 8), and granted Plaintiff leave to file an amended complaint, which would be subject to screening, (*id.*).

that granting him further opportunities would be futile and will dismiss the Complaint with prejudice. See Keaton v. Argo Turboserve Corp., Civ. No. 17-3978, 2021 WL 3879091, at \*11 n. 11 (D.N.J. Aug. 31, 2021) (dismissing claims with prejudice "given multiple opportunities to amend" and the plaintiffs "repeated failure to cure the deficiencies" in the claims to be dismissed). In light of the Court's decision to dismiss this matter, the Court will deny the pending Motion for Preliminary Injunction as moot.

Accordingly, for the reasons set forth above and for good cause shown,

IT IS on this 1st day of November, 2021,

ORDERED that this case be REOPENED; and it is further

ORDERED that Plaintiffs third Amended Complaint (ECF No. 19) is hereby DISMISSED WITH PREJUDICE; and it is further

ORDERED that the Motion for a Preliminary injunction (ECF No. 21) is hereby DENIED AS MOOT; and it is further

ORDERED that this case shall be marked CLOSED.

s/Zghid N. \_\_\_\_\_

Ogrqishi HON. ZAHID N.

QURAISHI

UNITED STATES DISTRICT JUDGE

Utility Events

3:20-cv-02540-ZNQ-TJB SHAIKH

v. EINBINDER et al CASE

CLOSED on 07/13/2021

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**Additional material  
from this filing is  
available in the  
Clerk's Office.**