

APPENDIX TABLE OF CONTENTS

Appendix A – Third Circuit Opinion	App. 1a
Appendix B – Third Circuit Judgment	App. 9a
Appendix C – Rehearing Denial	App. 11a
Appendix D – District Court Order	App. 13a
Appendix E – December 29 Order	App. 24a
Appendix F – R&R on Motion to Dismiss	App. 29a
Appendix G – R&R on Default Motions	App. 84a

A – Opinion of the United States Court of Appeals for the Third Circuit, entered June 26, 2026

B – Judgment of the United States Court of Appeals for the Third Circuit, entered June 26, 2026

C – Order Denying Petition for Panel Rehearing and Rehearing En Banc, entered July 24, 2026

D – Order of the United States District Court for the Middle District of Pennsylvania Adopting the Reports and Recommendations and Dismissing Petitioners' Action, entered December 8, 2025

E – Order Denying Petitioners' Motion to Declare Proceedings Void and Imposing Docket-Specific Filing Restriction, entered December 29, 2025

F – Report and Recommendation on Respondents' Motion to Dismiss, entered October 21, 2025

G – Report and Recommendation on Petitioners' Default Motions, entered October 21, 2025



Certiorari



Case: 26-1138 Document: 28 Page: 1 Date Filed:
06/26/2026

NOT PRECEDENTIAL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; AILANI
J. ORR; 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

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MONIQUE NATÉ HOLMES, a/k/a MoBetta,
Appellants

v.

TRACEY L. CHANCE; WAYNE CHANCE; AILANI
J. ORR; 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
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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/ Patrica 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,
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v.

TRACEY L. CHANCE; WAYNE CHANCE; AILANI
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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.

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**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)

ORDER

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 **January 16th, 2026.**

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.

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

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