

AMENDED BLD-134

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-3510

AMRON N. ELKABANY,
Appellant

v.

LOUIS C. SHAPIRO, Individual capacity; LYNN M. CASTILLO, ESQ. Individual capacity, for conspiracy and fraud upon the court; SALEM COUNTY COURT STAFF, Individual capacity; UNNAMED APPELLATE DIVISION OFFICERS, Individual capacity; UNNAMED SUPREME COURT OFFICERS, Individual capacity

On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil Action No. 1:25-cv-17950)
District Judge: Honorable Christine P. O'Hearn

Submitted for Possible Dismissal Pursuant to 28 U.S.C. § 1915(e)(2)(B) or
Summary Action Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6
May 14, 2026

Before: KRAUSE, MATEY, and BOVE, *Circuit Judges*

(Opinion filed: June 17, 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.

Appellant Amro Elkabany, proceeding pro se and in forma pauperis, appeals from the District Court's order dismissing his complaint. We will summarily affirm.

This case arises from Appellant's dissatisfaction with the outcome of his divorce proceedings in New Jersey state court. On June 27, 2025, following a multi-day trial, Judge Louis C. Shapiro entered a final judgment of divorce which, inter alia, ordered the sale of Elkabany's former marital home and required him to pay spousal support and his ex-wife's legal fees. Elkabany subsequently appealed to the Appellate Division of the New Jersey Superior Court.

Shortly after filing that appeal, Elkabany filed a complaint pursuant to 42 U.S.C. § 1983 against Judge Shapiro and Lynn Castillo—the attorney who represented his ex-wife—in the District Court for the District of New Jersey. The District Court dismissed that complaint pursuant to 28 U.S.C. § 1915(e)(2) and we affirmed. *Elkabany v. Shapiro*, No. 1:25-cv-12719, 2025 WL 2680655 (D.N.J. July 10, 2025), *aff'd*, No. 25-2322, 2025 WL 2658990 (3d Cir. Sept. 17, 2025) (per curiam), *cert. denied*, 146 S. Ct. 984 (2025). Approximately two months later, Elkabany filed this § 1983 complaint alleging that Judge Shapiro, Castillo, and unidentified court personnel violated his constitutional rights through actions they took during his divorce proceedings.

The District Court again sua sponte dismissed his complaint under 28 U.S.C. § 1915(e)(2), noting that the complaint “is functionally nothing more than a second amended complaint in the previous action” because it “rehashes the same events,” asserts

duplicative claims against the same defendants, and largely seeks the same relief.¹

Elkabany timely appealed. He has filed a litany of documents in support of his appeal.

We have jurisdiction under 28 U.S.C. § 1291 and exercise plenary review over a District Court's sua sponte dismissal of a complaint under § 1915(e). *See Dooley v. Wetzel*, 957 F.3d 366, 373 (3d Cir. 2020). To survive dismissal, "a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citation modified). We may summarily affirm if the appeal fails to present a substantial question. *See* 3d Cir. L.A.R. 27.4; I.O.P. 10.6.

As we stated in Elkabany's first appeal, we agree with the District Court's dismissal of his complaint. *See Elkabany*, 2025 WL 2658990, at *1. The reasoning in that opinion applies in full here, and we need not reiterate it in depth. We agree with the District Court that Elkabany's claims against Judge Shapiro are barred by judicial immunity, as all actions at issue in the complaint were taken in his judicial capacity. *See Stump v. Sparkman*, 435 U.S. 349, 356-57 (1978) (explaining that a judge is immune from liability for all actions taken in his judicial capacity, *even those alleged to have been done maliciously or corruptly*, unless such action is taken in the absence of all jurisdiction). We also agree that Elkabany's claims against Castillo fail because she was not acting under color of state law within the meaning of § 1983 when representing his

¹ Because the complaints were so similar, the District Court directed the Clerk to also file the complaint in this case in the previous matter, No. 1:25-cv-12719.

ex-wife during the divorce. *See Polk Cnty. v. Dodson*, 454 U.S. 312, 318 (1981) (stating that “a lawyer representing a client is not, by virtue of being an officer of the court, a state actor ‘under color of state law’ within the meaning of § 1983”). Further, the District Court correctly explained that Elkabany has “not pleaded *any* facts that plausibly allege” a conspiracy between the defendants. ECF 10 at 3 n.1 (emphasis added).

We have not yet had occasion to address two aspects of the District Court’s dismissal order and will do so here. First, we agree that Elkabany’s claims against the “Salem County Court Staff” and other “unnamed” court personnel involved in his divorce proceedings are barred by quasi-judicial immunity. *See Gallas v. Supreme Ct. of Pa.*, 211 F.3d 760, 772-73 (3d Cir. 2000). Second, the District Court properly applied the *Rooker-Feldman* doctrine to Elkabany’s claim of fraud upon the court. *See Rooker v. Fid. Trust Co.*, 263 U.S. 413 (1923); *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983).

To the extent that Elkabany seeks review of the divorce judgment in federal court, the *Rooker-Feldman* doctrine bars such relief. *See Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005) (explaining that the *Rooker-Feldman* doctrine bars “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”). He contends that the District Court erred in “dismissing” his complaint based on the *Rooker-Feldman* doctrine because his injuries arise from “fraud, conspiracy, and procedural manipulation.” Not so. The District Court dismissed the complaint largely for the reasons stated above. The court properly applied

the *Rooker-Feldman* doctrine to Elkabany's claim of fraud upon the court because—as Elkabany himself recognizes—success on that claim would “render[] the underlying judgment void.” See ECF 1 at 8; see also *Great W. Mining & Min. Co. v. Fox Rothschild LLP*, 615 F.3d 159, 173 (3d Cir. 2010) (explaining that the *Rooker-Feldman* doctrine prohibits appellate review where the plaintiff seeks “to have the state-court decisions undone or *declared null and void*” (emphasis added)).

Accordingly, we will summarily affirm the District Court's judgment. Appellant's emergency motion and various requests for other relief are denied.

APPENDIX B

Order Denying Rehearing En Banc (July 1, 2026)

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-3510

AMRO N. ELKABANY,
Appellant

v.

LOUIS C. SHAPIRO, Individual capacity;
LYNN M. CASTILLO, ESQ. Individual capacity, for conspiracy and fraud upon the
court;
SALEM COUNTY COURT STAFF, Individual capacity;
UNNAMED APPELLATE DIVISION OFFICERS, Individual capacity;
UNNAMED SUPREME COURT OFFICERS, Individual capacity

On Appeal from the United States District Court
for the District of New Jersey
(No. 1:25-cv-17950)
District Judge: Christine P. O'Hearn

PETITION FOR REHEARING

BEFORE: CHAGARES, HARDIMAN, KRAUSE, RESTREPO, BIBAS, PORTER,
MATEY, PHIPPS, FREEMAN, MONTGOMERY-REEVES, CHUNG, BOVE,
MASCOTT, *Circuit Judges*

The petition for rehearing filed by appellant Amro N. Elkabany in the above-captioned matter has been submitted to the judges who participated in the decision of this Court and to all other available circuit judges of the Court in regular active service. No judge who concurred in the decision asked for rehearing, and a majority of the circuit judges of the Court in regular active service who are not disqualified did not vote for

rehearing by the Court en banc. It is now hereby **ORDERED** that the petition is **DENIED**.

BY THE COURT

s/ Paul B. Matey
Circuit Judge

Dated: July 1, 2026
CLW/cc: Mr. Amro N. Elkabany

APPENDIX C

District Court Order of Dismissal

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

AMRO ELKABANY,

Plaintiff,

v.

No. 25-cv-17950

Related Case: 25-cv-12719

JUDGE LOUIS C. SHAPIRO *et al.*,

Defendants.

ORDER

THIS MATTER comes before the Court upon an Application to Proceed *in Forma Pauperis*, (ECF No. 1-2), filed by *pro se* Plaintiff Amro Elkabany ("Plaintiff"); and

WHEREAS, Plaintiff previously commenced an action in this Court arising out of the same underlying divorce proceedings, and the Court granted his application to proceed *in forma pauperis* but dismissed his complaint for failure to state a claim under 28 U.S.C. § 1915(e)(2). *Elkabany v. Shapiro*, No. 25-12719, 2025 WL 2680655 (D.N.J. July 10, 2025), *aff'd*, No. 25-2322, 2025 WL 2658990 (3d Cir. Sept. 17, 2025); and

WHEREAS, the Court determined, *inter alia*, that Defendant Judge Shapiro had absolute immunity from civil liability and that Defendant Lynn Castillo was not a state actor for purposes of Plaintiff's constitutional/42 U.S.C. § 1983 claims. *Id.*; and

WHEREAS, the Court dismissed the claims against Defendant Castillo with prejudice. *Id.*; and

WHEREAS, the Court subsequently dismissed Plaintiff's Amended Complaint because it failed to cure the deficiencies identified by the Court. *Elkabany*, No. 25-12719, ECF No. 12; and

WHEREAS, the Court finds that Plaintiff's Complaint, (ECF No. 1), although purportedly a new lawsuit, is functionally nothing more than a second amended complaint in the previous action because it arises out of and rehashes the same events; asserts claims against the same defendants, and seeks substantially the same relief; and

WHEREAS, the Complaint adds "Salem County Court Staff" and other unnamed court officers as defendants; but

WHEREAS, absolute judicial immunity applies not only to judges but also to court staff integral to the judicial process. *See, e.g., McLeod v. Fifth Jud. Dist. of Pa.*, No. 20-1362, 2022 WL 13986832, at *3 (D.N.J. Oct. 24, 2022); and

WHEREAS, although Plaintiff's latest filing includes numerous exhibits, they do not alter the nature of the conduct challenged and Plaintiff still fails to allege either 1) any non-judicial acts or 2) acts taken in the complete absence of jurisdiction that would defeat absolute judicial immunity, *Elkabany*, 2025 WL 2680655; and

WHEREAS, Plaintiff's claim of "Fraud Upon the Court" effectively seeks to "void," (Compl., ECF No. 1 at 8), a state court judgment and is therefore barred by the *Rooker-Feldman* doctrine as explained in the Court's previous order, 2025 WL 2680655. *See also Dawaji v. Askar*, 618 F. App'x 858, 859 (7th Cir. 2015) ("[I]f a federal plaintiff alleges that a fraud produced an adverse state-court decision, then the judicial decision is the source of injury for *Rooker-Feldman* purposes." (citation omitted)); and

WHEREAS, Plaintiff's remaining claims against Defendant Castillo either fail for the reasons identified in the Court's previous order, are not cognizable, or fail to state a claim;¹ and

WHEREAS, "Plaintiff has already amended [his] complaint on two separate occasions and has still failed to plead sufficient facts. A third opportunity to amend, allowing Plaintiff a fourth opportunity to file a complaint in this action, is unlikely to remedy this. Plaintiff's three bites at the apple are sufficient." *DelRio-Mocci v. Connolly Props. Inc.*, No. 08-2753, 2009 WL 2989537, at *2 (D.N.J. Sept. 16, 2009), *aff'd*, 672 F.3d 241 (3d Cir. 2012);

IT IS HEREBY on this 11th of December, 2025,

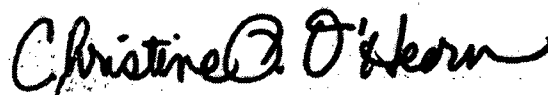
ORDERED that the Clerk of Court shall file the Complaint, (ECF No. 1), in this case, No. 25-17950, and in the related case, No. 25-12719; and it is further

ORDERED that Plaintiff's claims are **DISMISSED WITH PREJUDICE** under 28 U.S.C. § 1915(e)(2) for failure to state a claim upon which relief may be granted; and it is further

ORDERED that the Clerk of the Court shall **CLOSE** both matters; and it is finally

ORDERED that the Clerk of the Court shall send a copy of this Order to Plaintiff by regular U.S. mail.

¹ Plaintiff brings claims for "Denial of Access to Courts" (Count III); "Retaliation for Protected Activity" (Count IV); and "Record Tampering and Judicial Record Manipulation" (Count VII) without identifying a cause of action. These claims are either not cognizable or are duplicative of the constitutional/§ 1983 claims which the Court previously dismissed. Plaintiff has also not pleaded any facts that plausibly allege a conspiracy or joint action between Defendant Castillo and Defendant Judge Shapiro under § 1983 (Count V). *See Mikhail v. Kahn*, 991 F. Supp. 2d 596, 645-56 (E.D. Pa.), *aff'd*, 572 F. App'x 68 (3d Cir. 2014) ("[A] plaintiff alleging that defendants conspired with judges must plead an agreement between the state court judges and Defendants to rule in favor of Defendants." (cleaned up)).

A handwritten signature in black ink, reading "Christine P. O'Hearn". The signature is fluid and cursive, with the first name "Christine" and last name "O'Hearn" clearly legible.

CHRISTINE P. O'HEARN
United States District Judge

APPENDIX A

Third Circuit Opinion (June 17, 2026)

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