

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 23-3266

FREDERICK OF THE FAMILY GONORA

v.

PATRICIA RISCH

Frederick Gonora,
Appellant

On Appeal from the United States District Court
for the District of New Jersey
(Civil Action No. 3-23-cv-00893)
District Judge: Honorable Robert Kirsch

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
March 7, 2024

Before: HARDIMAN, MONTGOMERY-REEVES, and NYGAARD, Circuit Judges

(Opinion filed: March 26, 2024)

OPINION*

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

PER CURIAM

Pro se appellant Frederick Gonora appeals from the District Court's dismissal of his civil rights claims. For the reasons that follow, we will summarily affirm the District Court's judgment.

In February 2023, Gonora filed a civil rights action in the District Court pursuant to 42 U.S.C. § 1983, bringing claims against Patricia Risch, the Director of the Office of Child Support Services ("OCSS") for the State of New Jersey. He alleged that his wages had been illegally garnished and that he suffered various damages pursuant to child support judgment orders entered by family court judges in Monmouth County, New Jersey between 2016 and 2023.¹ He appeared to argue that the judges lacked jurisdiction to enter these orders and that because the judges should be considered to be acting under the direction and supervision of OCSS, OCSS should be liable for damages resulting from the orders they issued. Gonora brought several federal constitutional claims stemming from these allegations against OCSS. On Risch's motion, the District Court dismissed Gonora's complaint with prejudice. Gonora timely appealed.²

¹ This is not Gonora's first lawsuit regarding the issue of his wage garnishment; we previously affirmed the District Court's dismissal of an earlier case he brought against OCSS, Monmouth County, and others, based on similar allegations. See Frederick of Fam. Gonora v. Off. of Child Support Servs., 783 F. App'x 250, 251 (3d Cir. 2019) (per curiam).

² We have jurisdiction over this appeal pursuant to 28 U.S.C. § 1291. We exercise plenary review over the District Court's dismissal of Gonora's claims. See Fowler v. UPMC Shadyside, 578 F.3d 203, 206 (3d Cir. 2009). Dismissal is appropriate "if, accepting all well-pleaded allegations in the complaint as true and viewing them in the light most favorable to the plaintiff, a court finds that [the] plaintiff's claims lack facial plausibility." Warren Gen. Hosp. v. Amgen Inc., 643 F.3d 77, 84 (3d Cir. 2011).

The District Court properly dismissed Gonora’s claims. Gonora made no factual allegations about Risch in his complaint; he specifically stated that he sought to hold her liable under the doctrine of respondeat superior in her capacity as a supervisor and made sweeping, conclusory statements about her oversight responsibilities for OCSS. But “[a] defendant in a civil rights action must have personal involvement in the alleged wrongs; liability cannot be predicated solely on the operation of *respondeat superior*.” Rode v. Dellarciprete, 845 F.2d 1195, 1207 (3d Cir. 1988). Gonora did not allege any facts suggesting that Risch “established and maintained a policy, practice or custom which directly caused [him] constitutional harm.” See Stoneking v. Bradford Area Sch. Dist., 882 F.2d 720, 725 (3d Cir. 1989); cf. Parkell v. Danberg, 833 F.3d 313, 331 (3d Cir. 2016) (“To presume that [unconstitutional] practices arose from [a defendant’s] policies merely because of his position . . . is to rely on *respondeat superior*.”).

Gonora also did not include factual allegations of any actions Risch took in the administration of the orders entered against Gonora, or of any personal knowledge she had about those specific orders. See A.M. ex rel. J.M.K. v. Luzerne Cnty. Juv. Det. Ctr., 372 F.3d 572, 586 (3d Cir. 2004) (“[A] supervisor may be personally liable under § 1983 if he or she participated in violating the plaintiff’s rights, directed others to violate them, or, as the person in charge, had knowledge of and acquiesced in his subordinates’

We may summarily affirm a district court’s decision if an appeal fails to present a substantial question. See Murray v. Bledsoe, 650 F.3d 246, 247 (3d Cir. 2011) (per curiam).

violations.”). Under these circumstances, his complaint was appropriately dismissed.³

Accordingly, we will summarily affirm the District Court’s judgment.⁴

³ Gonora has not clarified his allegations in any of his other District Court filings or his filings on appeal to suggest that he could offer additional factual allegations to overcome these barriers to relief. Under these circumstances, and considering Gonora’s past litigation history involving similar claims, granting Gonora leave to amend his complaint would have been futile and dismissal with prejudice was appropriate. See Grayson v. Mayview State Hosp., 293 F.3d 103, 108 (3d Cir. 2002).

⁴ Gonora’s motion for appointment of counsel is denied. See Tabron v. Grace, 6 F.3d 147, 155-56 (3d Cir. 1993).