

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-2051

JARVIS ROBERTS,
Appellant

v.

STATE OF PENNSYLVANIA; COUNTY OF BERKS; CITY OF READING; JOHN
ADAMS; DENNIS SKAYHAN; THOMAS PARISI; MARGARET MCDONOUGH;
JAMES GOLDSMITH; RACHEL LOUVIAUX; MICHAEL PERKINS; JAY NIGRINI;
MICHAEL A. WALKER; JOSE GAVILANES

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Civil Action No. 5:22-cv-04829)
District Judge: Honorable Kelley B. Hodge

Submitted Pursuant to Third Circuit LAR 34.1(a)
October 15, 2026
Before: BIBAS, CHUNG, and BOVE, *Circuit Judges*

(Opinion filed October 20, 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 Appellant Jarvis Roberts appeals the District Court's dismissal of his complaint against several defendants. We will affirm the District Court's judgment as modified.

I.

Roberts brought a civil action in the United States District Court for the Eastern District of Pennsylvania against several defendants. Roberts's claims related to then-pending consolidated criminal proceedings against him in the Berks County Court of Common Pleas: *Commonwealth v. Roberts*, CP-06-CR-00004876-2017, which involved his alleged possession of a firearm, and *Commonwealth v. Roberts*, CP-06-CR-0000416-2019, which involved charges of witness intimidation and harassment.

Roberts sought damages for various constitutional violations, malicious prosecution, and a conspiracy to violate his constitutional rights. According to Roberts, the prosecutors representing Berks County knowingly put a lying witness on the stand, withheld evidence showing that the witness lied, and filed false charges in retaliation for Roberts "exposing [their] lies." Roberts further alleged that his counsel refused to address the prosecutorial misconduct and conspired with the Commonwealth to violate his speedy trial rights, and that the state court judge was complicit.

Several defendants moved to dismiss the complaint for failure to state a claim and for lack of jurisdiction. The District Court determined that it lacked jurisdiction over any claims against the Commonwealth of Pennsylvania and the state court judge in his

official capacity pursuant to the state’s Eleventh Amendment sovereign immunity. It also concluded that the judge was immune from the claims against him in his individual capacity. The District Court additionally explained that Roberts could not proceed further on his claims against his former attorneys because they were not liable under 42 U.S.C. § 1983 as private citizens, and it declined to exercise supplemental jurisdiction over any state-law claims against them. The District Court dismissed the claims against each of these defendants with prejudice.

Eventually, the Commonwealth withdrew the unlawful possession of a firearm charge,¹ and the charge of firearms not to be carried without a license was dismissed.² Meanwhile, a jury found Roberts guilty of two counts of witness intimidation, and not guilty of two harassment counts. The Pennsylvania Superior Court affirmed his judgment of conviction and sentence on direct appeal. *See Roberts*, 2025 WL 1380813, at *12, *appeal denied*, No. 321 MAL 2025, 2025 WL 3652141 (Pa. Dec. 17, 2025) (per curiam).

Later, the District Court granted the remaining defendants’ motions to dismiss, explaining that Roberts’s complaint lacked specific allegations against the City of Reading, the Berks County prosecutors, and the detective involved in Roberts’s criminal

¹ The Commonwealth had determined that the statute forming the basis of Roberts’s prior conviction in New York was not substantially similar to any Pennsylvania statute, and thus that no statutory disqualifier to firearm possession under 18 Pa. Cons. Stat. Ann. § 6105(a)(1) existed. *See Commonwealth v. Roberts*, No. 1588 MDA 2024, 2025 WL 1380813, at *2 n.10 (Pa. Super. Ct. May 13, 2025).

² The Commonwealth had added this charge after Roberts filed his civil complaint.

proceedings, and determining that further amendment would be futile. And the District Court dismissed Roberts’s claims against a witness from his criminal proceedings for lack of personal jurisdiction. Roberts timely appealed.

II.

We have jurisdiction under 28 U.S.C. § 1291. “We review the grant of a motion to dismiss de novo.” *See Doe v. Princeton Univ.*, 30 F.4th 335, 341 (3d Cir. 2022). To the extent that the District Court dismissed the complaint pursuant to Federal Rule of Civil Procedure 8, which requires a pleading to contain, inter alia, “a short and plain statement of the claim showing that the pleader is entitled to relief,” we review the dismissal for abuse of discretion. *See Garrett v. Wexford Health*, 938 F.3d 69, 91 (3d Cir. 2019). Because Roberts is proceeding pro se, the Court construes his pleadings liberally, but his complaint still must contain sufficient facts to support a claim for relief. *See Vogt v. Wetzel*, 8 F.4th 182, 185 (3d Cir. 2021). We may affirm the District Court’s judgment for any reason supported by the record. *See Murray v. Bledsoe*, 650 F.3d 246, 247 (3d Cir. 2011) (per curiam).

III.

We consider only the claims that Roberts meaningfully challenges in his opening brief. *See M.S. ex rel. Hall v. Susquehanna Twp. Sch. Dist.*, 969 F.3d 120, 124 n.2 (3d Cir. 2020) (explaining that parties forfeit any argument that they do not raise in their opening brief); *Mala v. Crown Bay Marina, Inc.*, 704 F.3d 239, 245 (3d Cir. 2013) (noting that pro se litigants “must abide by the same rules that apply to all other

litigants”). First, Roberts seemingly challenges the District Court’s determination that one of his former defense attorneys could not be liable under § 1983. But we agree with the District Court that Roberts pleaded no facts plausibly suggesting that the attorney acted under color of state law. *See Polk Cnty. v. Dodson*, 454 U.S. 312, 325 (1981) (stating that a defense attorney “does not act under color of state law when performing a lawyer’s traditional functions as counsel to a defendant in a criminal proceeding”); *see also Abbott v. Latshaw*, 164 F.3d 141, 147–48 (3d Cir. 1998) (observing that although “a private party who willfully participates in a joint conspiracy with state officials to deprive a person of a constitutional right acts ‘under color of state law’ for purposes of § 1983,” a complaint that “contains conclusory allegations of concerted action but is devoid of facts actually reflecting joint action” is insufficient). And we are satisfied that, on the record before us, any amendment of the claims against this defendant would have been futile. *See Grayson v. Mayview State Hosp.*, 293 F.3d 103, 106 (3d Cir. 2002).

Next, Roberts challenges the District Court’s dismissal of his claims against the Berks County prosecutors. But we agree with the District Court that these defendants were immune from Roberts’s claims. *See Imbler v. Pachtman*, 424 U.S. 409, 427 (1976). A prosecutor is entitled to absolute immunity when functioning “as the state’s advocate while engaging in the alleged conduct that gives rise to the constitutional violation.” *Yarris v. Cnty. of Delaware*, 465 F.3d 129, 136 (3d Cir. 2006) (citation modified). And Roberts did not adequately explain how he could have amended his claims to overcome this immunity. *Cf. Roberts v. Lau*, 90 F.4th 618, 625 (3d Cir. 2024) (citation modified)

(differentiating between “an investigator’s work ‘seeking to generate evidence in support of a prosecution’” and “an advocate’s work ‘interviewing witnesses as he prepare[s] for trial.’”).

Finally, we turn to Roberts’s claims against Detective Perkins. As the District Court explained, Roberts’s complaint failed to include any facts supporting an allegation against Detective Perkins. *See Garrett*, 938 F.3d at 93 (citation omitted) (“Naturally, a pleading that is so ‘vague or ambiguous’ that a defendant cannot reasonably be expected to respond to it will not satisfy Rule 8.”). On appeal, Roberts asserts that Detective Perkins “[k]nowingly and intentionally lied in his police report” and affidavit of probable cause. There is no mention of this in the body of Roberts’s complaint. However, the exhibit attached to the complaint, which consists of over 200 pages of documents in the underlying criminal proceedings, indicates that Roberts accused Detective Perkins of fraud and perjury in an unsuccessful attempt to have the charges dismissed in state court. Still, while we hold Roberts’s filings “to less stringent standards than formal pleadings drafted by lawyers,” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam) (citation omitted), “[j]udges are not like pigs, hunting for truffles buried’ in the record,” *Doeblers’ Pa. Hybrids, Inc. v. Doeblor*, 442 F.3d 812, 820 n.8 (3d Cir. 2006) (citation omitted). Roberts’s naming of Detective Perkins as a defendant in the case, but not describing his conduct in the pleading, and instead simply attaching state court records to the complaint in the hope that the District Court could piece together a cause of action against Detective Perkins, is insufficient to state a claim for relief.

Nevertheless, even assuming *arguendo* that the District Court should have attempted to glean claims from the exhibit, Roberts still could not plausibly state a claim for relief against Detective Perkins. Roberts provided insufficient facts to support a theory that Detective Perkins intentionally or knowingly reported false information or made false statements when applying for a warrant. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678–79 (2009). And under the circumstances presented in this case, we agree with the District Court that allowing further amendment of any claims against Detective Perkins would have been futile. *See Grayson*, 293 F.3d at 108.

IV.

Accordingly, we will affirm the District Court’s judgment.³ But because jurisdictional dismissals should be without prejudice, we will modify the District Court’s judgment so that each of the claims against the Commonwealth of Pennsylvania and the state court judge in his official capacity, and the state-law claims against Roberts’s former attorneys, are dismissed without prejudice. *See Merritts v. Richards*, 62 F.4th 764, 772 (3d Cir. 2023); *In re Hechinger Inv. Co. of Del., Inc.*, 335 F.3d 243, 249 (3d Cir. 2003) (noting that “where . . . the Eleventh Amendment precludes a suit, the court in which the plaintiff filed the action lacks subject matter jurisdiction over that action”); *Figueroa v. Buccaneer Hotel Inc.*, 188 F.3d 172, 182 (3d Cir. 1999).⁴

³ Roberts’s motion for entry of default judgment is denied. Appellee City of Reading’s motion for leave to file a sur-reply is granted with filing as of August 6, 2026.

⁴ Although the District Court did not specify whether the claims against the criminal

witness were dismissed with or without prejudice, a dismissal for lack of personal jurisdiction is necessarily without prejudice. *See Lauderdale-El v. Ind. Parole Bd.*, 35 F.4th 572, 576–77 (7th Cir. 2022).