

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-2929

DAVID MOSS,
Appellant

v.

JEANNE E. MOSS, a/k/a Jeanne E. Jefferson; NEW JERSEY CHILD SUPPORT ENFORCEMENT; JANE DOE, Personally, and in their official capacity as employees of New Jersey Child Support Enforcement; JOHN DOE, Personally, and in their official capacity as employees of New Jersey Child Support Enforcement; UNION COUNTY NEW JERSEY CHILD SUPPORT ENFORCEMENT; JANE DOE, Personally, and in their official capacity as employees of Union County New Jersey Child Support Enforcement; JOHN DOE, Personally, and in their official capacity as employees of Union County New Jersey Child Support Enforcement; UNION COUNTY NEW JERSEY PROBATION DEPARTMENT; JANE DOE, Personally, and in their official capacity as employees of Union County New Jersey Probation Department; JOHN DOE, Personally, and in their official capacity as employees of Union County New Jersey Probation Department; JENNIFER EDWARDS, Personally, and in her official capacity as Division Officer/Chief Probation Officer; EDWARD RUSSO, Personally, and in his official capacity as Assistance Chief Probation Officer; VICTORIA GRAY, Personally, and in her official capacity as Assistant Chief Probation Officer; DEVANG MERCHANT, Personally, and in his official capacity as Assistant Chief Probation Officer; NEW JERSEY DEPARTMENT OF PROBATION

On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil Action No. 2:24-cv-05753)
District Judge: Honorable Jamel K. Semper

Submitted Pursuant to Third Circuit LAR 34.1(a)
April 15, 2026
Before: HARDIMAN, FREEMAN, and ROTH, *Circuit Judges*

(Opinion filed: October 15, 2026)

OPINION*

PER CURIAM

David Moss, proceeding pro se and in forma pauperis, appeals from the District Court’s order dismissing his complaint with prejudice. We will affirm the judgment of the District Court.

I.

Moss filed a complaint in the District Court under 42 U.S.C. § 1983, seeking injunctive and declaratory relief on the ground that the Child Support Enforcement Unit of the Probation Services Division of the State of New Jersey Judiciary, the Probation Division of the Superior Court of New Jersey, and various individuals employed within the judiciary’s probation division (collectively, “the judiciary defendants”), as well as Jeanne Moss (the mother of his child), violated his rights by imposing and enforcing a purportedly illegal child support order against him. In 2015, a child support order was entered requiring Moss to pay \$171 per week in child support and \$29 per week toward his arrears of unpaid child support.¹ In 2021, his weekly support payment increased to

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

¹ Along with their motion to dismiss, defendants included the various support orders Moss challenges. A court may consider an undisputedly authentic document a defendant attaches to a motion to dismiss where, as here, a plaintiff’s claim is based upon that

\$188 along with \$29 toward arrears. Then, when his daughter aged out of the child-support system, his child support obligation automatically terminated by operation of law; however, a different New Jersey statute required him to pay the entire \$217 toward his arrears. *See* N.J. Stat. Ann. § 2A:17-56.69. In his complaint, Moss alleged that the imposition of the recent order directing \$217 toward his arrears violated his constitutional rights.² The judiciary defendants filed a motion to dismiss. The District Court concluded that it lacked jurisdiction over Moss's complaint pursuant to the *Younger* abstention doctrine, and dismissed his claims with prejudice. Moss timely appealed.

II.

We have jurisdiction under 28 U.S.C. § 1291. We review de novo an order dismissing a complaint for failure to state a claim. *See Dooley v. Wetzel*, 957 F.3d 366, 373-74 (3d Cir. 2020). We may affirm on any ground apparent in the record. *See Hughes v. Long*, 242 F.3d 121, 122 n.1 (3d Cir. 2001).

III.

We will affirm the judgment of the District Court because plaintiff's claims are barred by Eleventh Amendment immunity and quasi-judicial immunity.³

document. *See Pension Benefit Guar. Corp. v. White Consol. Indus., Inc.*, 998 F.2d 1192, 1196 (3d Cir. 1993).

² Moss's complaint suggests that his wages are being garnished in the amount of \$470 per week, rather than \$217 per week. The nature of this discrepancy is not entirely clear; however, it does not change the immunity analysis below.

³ Moss did not address his claims against Jeanne Moss in his appellate brief, so he has

Moss’s claims against the Child Support Enforcement Unit of the Probation Services Division of the State of New Jersey Judiciary and the Probation Division of the Superior Court of New Jersey are barred by Eleventh Amendment immunity. The Eleventh Amendment prohibits private parties from bringing suit against a state in federal court, unless the state has explicitly waived its immunity or Congress has validly abrogated it. *See Benn v. First Jud. Dist. of Pa.*, 426 F.3d 233, 238-39 (3d Cir. 2005). Even when the state is not the named party in the dispute, a party may still enjoy Eleventh Amendment immunity if the state is the real party in interest. *See id.* at 239. Here, Moss seeks to sue a New Jersey court and offices within the New Jersey judiciary system, but they are “arms of the state,” which entitles them to Eleventh Amendment immunity. *See Chisolm v. McManimon*, 275 F.3d 315, 323–24 (3d Cir. 2001). New Jersey has not waived its Eleventh Amendment immunity, *see Allen v. N.J. State Police*, 974 F.3d 497, 505 (3d Cir. 2020), nor has Congress abrogated the state’s immunity under § 1983. *See Quern v. Jordan*, 440 U.S. 332, 345 (1979). Therefore, dismissal was proper as to Moss’s claims against these defendants.

Moss also brought claims against several employees of the Union County Probation Department, in their official and individual capacities. Because Moss’s

forfeited any challenge to the dismissal of his claims against her. *See In re Wettach*, 811 F.3d 99, 115 (3d Cir. 2016). Even had the issue not been forfeited, Moss’s complaint failed to allege facts sufficient to support a claim that Jeanne Moss was conspiring with state actors such that she could be deemed a “state actor” pursuant to § 1983. *See Dennis v. Sparks*, 449 U.S. 24, 27-28 (1980).

allegations concern child support orders prepared by the probation officers and subsequently approved by a state court judge, the officers enjoy quasi-judicial immunity as “arms of the court.” *See Freeman v. Lincalis*, 158 F.4th 166, 179 n.60 (3d Cir. 2025); *see also Harper v. Jeffries*, 808 F.2d 281, 284 (3d Cir. 1986) (holding that probations officers “are entitled to quasi-judicial immunity when engaged in adjudicatory duties”). To the extent that Moss seeks to sue these defendants in their official capacities, those claims are also barred. *See Hafer v. Melo*, 502 U.S. 21, 25 (1991) (holding that “[s]uits against state officials in their official capacity therefore should be treated as suits against the State”); *see also Whole Woman's Health v. Jackson*, 595 U.S. 30, 39 (2021) (explaining that “‘an injunction against a state court’ or its ‘machinery’ ‘would be a violation of the whole scheme of our Government’” (quoting *Ex parte Young*, 209 U.S. 123, 163 (1908))).

Finally, Moss argues that as a pro se litigant, he should have been given an opportunity to amend his complaint. While generally that is the case, the District Court did not err in denying leave to amend here because amendment would have been futile. *See Grayson v. Mayview State Hosp.*, 293 F.3d 103, 111 (3d Cir. 2002). Accordingly, we will affirm the judgment of the District Court.