

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-3106

GINA RUSSOMANNO,
Appellant

v.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY,
Trenton; FRED A. L. WOLFSON, Retired U.S.D.J.; SUMITOMO PHARMA AMERICA
INC; PAM BOND, U.S. Attorney General, DOJ

On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil Action No. 3:25-cv-12550)
District Judge: Honorable Robert Kirsch

Submitted Pursuant to Third Circuit LAR 34.1(a)
September 1, 2026

Before: CHAGARES, *Chief Judge*, HARDIMAN and FREEMAN, *Circuit Judges*

(Opinion filed September 14, 2026)

OPINION*

PER CURIAM

* This disposition is not an opinion of the full Court and pursuant to 3d Cir. I.O.P. 5.7 does not constitute binding precedent.

In 2019, Gina Russomanno sued her former employer for wrongful termination. The District Court dismissed the suit with prejudice for failure to state a claim. *See Russomanno v. Sunovion Pharms.*, D.N.J. Civ. No. 3:19-cv-05945 (*Russomanno I*). Russomanno filed a second wrongful-termination suit, but the District Court dismissed it on *res judicata* grounds, *see Russomanno v. Dugan*, D.N.J. Civ. No. 20-12336 (*Russomanno II*), and we affirmed, *see* C.A. No. 21-2004. Since then, Russomanno has filed dozens of frivolous motions and appeals challenging the District Court’s rulings in *Russomanno I* and *II*.¹

In June 2025, Russomanno commenced this action in the District Court seeking to vacate the final judgments in *Russomanno I* and *II*. Invoking Rule 60(d)(3) of the Federal Rules of Civil Procedure, she alleged that the Honorable Freda L. Wolfson had committed “fraud on the court” in *Russomanno I* by dismissing her complaint before giving her a chance to amend it. Russomanno named as defendants Judge Wolfson; the United States District Court for the District of New Jersey; U.S. Attorney General Pam Bondi; and her former employer, Sumitomo Pharma Incorporated. The District Court determined that (1) the claims against Judge Wolfson (and the District Court) were barred by the doctrine of judicial immunity, and (2) Russomanno’s complaint was insufficient under Rules 8 and 12(b)(6) of the Federal Rules of Civil Procedure as to defendants

¹ Russomanno has been warned more than once that her repetitive and meritless filings could result in an anti-filing injunction. *See, e.g., Russomanno v. Sunovion Pharms.*, C.A. No. 24-1124, 2024 WL 3102798, at *1 (3d Cir. May 3, 2024).

Sumitomo and Bondi because she did not allege that they had committed any fraud, Russomanno appealed.²

We will affirm. In addition to the reasons provided by the District Court, Russomanno cannot resort to a Rule 60(d)(3) action to challenge Judge Wolfson's rulings in *Russomanno I* and *II*. Rule 60(d)(3) allows a district court to set aside a judgment if it determines that there is clear evidence of “(1) an intentional fraud; (2) by an officer of the court; (3) which is directed at the court itself; and (4) that in fact deceives the court.” *Herring v. United States*, 424 F.3d 384, 390 (3d Cir. 2005). Here, however, Russomanno sought to set aside the earlier judgments simply because she disagrees with Judge Wolfson's disposition of her case. An independent Rule 60(d) action cannot be used “as a vehicle for relitigation of issues.” *Travelers Indem. Co. v. Gore*, 761 F.2d 1549, 1552 (11th Cir. 1985).

Accordingly, we will affirm.³

² We have jurisdiction under 28 U.S.C. § 1291 to review the District Court's order dismissing Russomanno's complaint. We note that, after Russomanno appealed from that order, the District Court denied her motion for reconsideration. We do not review that ruling, however, because Russomanno did not file a new or amended notice of appeal. *See* Fed. R. App. P. 4(a)(4)(B)(ii).

³ Appellant's request to file two separate reply briefs is granted.