NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

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No. 25-3168

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MARC A. STEPHENS,
Appellant

v.

CAREONE MANAGEMENT, LLC, AKA CareOne at Cresskill; NICOLE IACOLINA; OFFICER BARRETT; GARY STEPHENS, JR.; KIM STEPHENS; DEBRA STEPHENS; KRISTINE WALKER; CITY OF ENGLEWOOD; ENGLEWOOD POLICE DEPARTMENT; JOHN DOE, EMS

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On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil Action No. 2:22-cv-00824)
District Judge: Honorable Madeline C. Arleo

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Submitted Pursuant to Third Circuit L.A.R. 34.1(a)
on November 19, 2026

Before: KRAUSE, BIBAS, and NYGAARD, *Circuit Judges*

(Opinion filed: November 19, 2026)

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OPINION*

PER CURIAM

Appellant Marc Stephens, proceeding pro se and in forma pauperis, appeals from multiple District Court orders. For the following reasons, we will affirm.

In 2022, Stephens filed an action against CareOne Management and its employee, Nicole Iacolina ("CareOne Defendants"), the City of Englewood, the Englewood Police Department, and Officer Barrett ("Englewood Defendants"), and certain family members. The allegations underlying his claims arise from two separate events: a search of Stephens's home in response to a 911 call, and alleged false statements about the quality of Stephens's care for his mother, Viola Stephens.

Stephens has served as a caretaker for Viola since 2000 and is party to a durable power of attorney that includes protection for his interest in a home located at 271 Rosemont Place in Englewood, New Jersey. He lived with Viola at that home from December 2011 until January 2022, when Viola was admitted to CareOne's rehabilitation facility. On December 29, 2021, Stephens's sister, Kim Stephens, called the police, alleging that he was harassing and physically abusing Viola at the Englewood home. Officer Barrett and another police officer were dispatched to the house. Stephens initially hesitated to let

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

the officers enter the premises, asking for a warrant, but ultimately allowed them to enter the home to observe Viola in a bedroom on the first floor.

Officer Barrett spoke with Viola and concluded that she did not appear to have been assaulted or injured. He then asked if only Stephens and Viola lived in the home. When Stephens replied affirmatively, Viola stated that he was lying and there was a girl upstairs. Over Stephens's objections, the officers proceeded to search the second floor of the house; they did not locate anyone.

Shortly thereafter, in January 2022, Viola was admitted to CareOne's rehabilitation facility. Stephens claims that, from January 1 to 12, 2022, the CareOne Defendants and the Englewood Defendants made false allegations of him abandoning Viola and endangering her welfare to multiple third parties. He contends that when he sought to discharge Viola, CareOne refused to release her to his care because there was no heat in the home.[1] Instead, CareOne planned to release Viola to Stephens's brother, who he claims physically abused Viola in 2019.

Based on the above, Stephens filed his complaint in District Court, raising claims under both state and federal law. The District Court dismissed some claims, granted summary judgment on the remaining federal claim, and declined to exercise supplemental jurisdiction over the state law claims. Stephens timely appealed.

We have jurisdiction under 28 U.S.C. § 1291. We exercise plenary review of dismissals pursuant to Fed. R. Civ. P. 12(b)(6), *Spruill v. Gillis*, 372 F.3d 218, 226 (3d Cir.

[1] Stephens alleges that there was heat in the home.

2004), and of the District Court's grant of summary judgment. *Blunt v. Lower Merion Sch. Dist.*, 767 F.3d 247, 265 (3d Cir. 2014). The District Court's rulings declining to exercise supplemental jurisdiction and denying reconsideration are reviewed for abuse of discretion. *See Hedges v. Musco*, 204 F.3d 109, 123-24 (3d Cir. 2000) (supplemental jurisdiction); *Gibson v. State Farm Mut. Auto. Ins. Co.*, 994 F.3d 182, 186 (3d Cir. 2021) (reconsideration).

We first address Stephens's argument that the Magistrate Judge erred in denying his motions for alternative service and for leave to amend. The Magistrate Judge's orders are not properly before us. Where, as here, the parties have not consented to proceed before a magistrate judge under 28 U.S.C. § 636(c), any challenge to a magistrate judge's order must be raised first to the District Court. *See* 28 U.S.C. § 636(b)(1); *Siers v. Morrash*, 700 F.2d 113, 116 (3d Cir. 1983). Because Stephens failed to appeal the Magistrate Judge's orders to the District Court, he forfeited his right to challenge those rulings here. *See United States v. Polishan*, 336 F.3d 234, 240 (3d Cir. 2003) ("It is undisputed that, in civil cases, the right to appeal the ruling of a magistrate judge is waived if reconsideration *before the district court* is not sought in a timely fashion." (emphasis added)).

Turning to the District Court's order on the CareOne and Englewood Defendants' motions to dismiss, we agree that Stephens failed to state a due process claim under § 1983 against the CareOne Defendants because neither CareOne, a private rehabilitation center, nor Iacolina, a private individual, is a state actor. *See Kach v. Hose*, 589 F.3d 626, 646 (3d Cir. 2009). Stephens argues that the District Court erred because the "state[-]regulated" CareOne Defendants conspired with the Englewood Defendants to accuse him of a

crime based on his alleged past mistreatment of Viola and then used that accusation to refuse to discharge Viola to him. He is mistaken. As the District Court pointed out, Stephens failed to allege "facts regarding any agreement between the Defendants sufficient to support an inference of conspiracy." ECF 23 at 4 n.5; *see Abbott v. Latshaw*, 164 F.3d 141, 148 (3d Cir. 1998) (describing as insufficient a complaint that "contains conclusory allegations of concerted action but is devoid of facts actually reflecting joint action"). Further, the "mere fact that a private business is subject to extensive state regulation does not by itself convert its action into that of the State.." *Am. Mfrs. Mut. Ins. Co. v. Sullivan*, 526 U.S. 40, 52 (1999). And, contrary to Stephens's belief, a private rehabilitation facility's decision regarding who to discharge a patient to is not a state action. *Cf. Blum v. Yaretsky*, 457 U.S. 991, 1008 (1982) (holding that a private nursing home's decision to discharge or transfer a patient did not constitute a state action).

We likewise agree that Stephens failed to state a plausible due process claim under § 1983 against the Englewood Defendants.[2] *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (stating the pleaded facts must allow the court to reasonably infer that a defendant is liable). In his complaint, Stephens alleged that his due process rights were violated because the defendants "treated [him] like a convicted criminal[,]" and "refused" to release the public records that he requested via the New Jersey Open Public Records Act based

[2] Stephens's opening brief fails to meaningfully challenge the District Court's conclusion that he did not "alleg[e] procedural due process violations" in his complaint, ECF 23 at 4 n.7, as his brief only refers to procedural due process in passing. *See Higgins v. Bayada Home Health Care Inc.*, 62 F.4th 755, 763 (3d Cir. 2023) ("A passing reference to an issue will not suffice to bring that issue before this Court." (cleaned up)).

on exceptions for medical information and information relating to domestic violence. ECF 1 ¶ 93. Critically, he failed to identify—in the District Court or on appeal—any "particular interest" protected by the Fourteenth Amendment. *See Chambers ex rel. Chambers v. Sch. Dist. of Phila. Bd. of Educ.*, 587 F.3d 176, 190 (3d Cir. 2009). But even if he had, the refusal to provide the records was not so outrageous as to "shock the conscience." *See Newman v. Beard*, 617 F.3d 775, 782 (3d Cir. 2010) (cleaned up) (explaining that "only the most egregious official conduct" violates substantive due process).

We next turn to the District Court's order granting summary judgment to the Englewood Defendants. While the Fourth Amendment generally requires that law enforcement obtain a warrant before entering a home without permission, "an officer may make a warrantless entry when the exigencies of the situation create a compelling law enforcement need." *Lange v. California*, 594 U.S. 295, 298 (2021) (internal quotation marks omitted). One such exigency is the need to render emergency aid: "officers may enter a home without a warrant to render emergency assistance to an injured occupant or to protect an occupant from imminent injury." *Kentucky v. King*, 563 U.S. 452, 460 (2011) (quoting *Brigham City v. Stuart*, 547 U.S. 398, 403 (2006)). The emergency aid exception requires "only an objectively reasonable basis for believing" that a person inside needs immediate aid. *Michigan v. Fisher*, 558 U.S. 45, 47 (2009) (per curiam) (cleaned up). "Officers do not need ironclad proof of a likely serious, life-threatening injury to invoke" the exception. *Id.* at 49 (internal quotation marks omitted).

The District Court properly granted summary judgment to the defendants on Stephens's Fourth Amendment claim.[3] Considering the totality of the circumstances, the officers reasonably "believe[d] that someone [was] in imminent danger," so their warrantless entry into Stephens's house and brief search of the second floor was justified. *Couden v. Duffy*, 446 F.3d 483, 496 (3d Cir. 2006). The police received a 911 call from an identified relative, Kim, reporting that Stephens was mistreating Viola; she stated he had previously "put his hands on" their mother, and that "it sound[ed] physical" because "[Stephens] was taking [Viola's] phone and [Viola] was like 'no, no' . . . and [she was] calling her and she [was] not picking up the phone." ECF 78 at 2 n.2. Based on those circumstances, a reasonable officer would have feared for the safety of someone inside the house. *See United States v. Richardson*, 208 F.3d 626, 630 (7th Cir. 2000) (explaining "911 calls reporting an emergency can be enough to support warrantless searches under the exigent circumstances exception, particularly where, as here, the caller identified [her]self"); *cf. Georgia v. Randolph*, 547 U.S. 103, 118 (2006) ("No question . . . reasonably could be [raised] about the authority of the police to enter a dwelling to protect a resident from domestic violence[.]"). And when Viola then contradicted Stephens's statement that no one else was in the home, the officers reasonably conducted a brief search of the second floor to confirm that no one was injured or in need of assistance. *Cf. Tierney v. Davidson*, 133 F.3d 189, 196-97 (2d Cir. 1998) (explaining that the emergency aid

[3] Because all of Stephens's federal claims were eventually resolved against him, the District Court "acted well within its discretion in declining to assert supplemental jurisdiction over" the state-law claims. *WWBITV, Inc. v. Vill. of Rouses Point*, 589 F.3d 46, 52 (2d Cir. 2009).

exception must be considered with "reference to the circumstances then confronting the officer, including the need for a prompt assessment of sometimes ambiguous information concerning potentially serious consequences"). Further, the officers did not "search the premises beyond what [wa]s reasonably needed to deal with the emergency[.]" *Case v. Montana*, 607 U.S. 107, 117 (2026). Therefore, summary judgment was proper on the Fourth Amendment claim.

Finally, the District Court did not abuse its discretion in denying Stephens's motions for reconsideration, as he did not provide any basis for reconsideration. *See Max's Seafood Café ex rel. Lou-Ann, Inc. v. Quinteros*, 176 F.3d 669, 677 (3d Cir. 1999) (describing standard).

Accordingly, we will affirm the District Court's judgment.[4]

[4] Stephens's motion to file an amended and over-length reply brief is granted.