

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 26-1061

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ERCOLE A. MIRARCHI,  
Appellant

v.

JOHN G. ROBERTS, JR., Some Judge/Justice of the United States;  
CLARENCE THOMAS, Some Judge/Justice of the United States;  
SAMUEL A. ALITO, Jr., Some Judge/Justice of the United States;  
SONIA SOTOMAYOR, Some Judge/Justice of the United States;  
ELENA KAGAN, Some Judge/Justice of the United States;  
NEIL M. GORSUCH, Some Judge/Justice of the United States;  
BRETT M. KAVANAUGH, Some Judge/Justice of the United States;  
AMY CONEY BARRETT, Some Judge/Justice of the United States;  
KETANJI BROWN JACKSON, Some Judge/Justice of the United States

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On Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
(D.C. Civil Action No. 2:25-cv-06922)  
District Judge: Honorable Jeffrey L. Schmehl

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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  
May 7, 2026

Before: RESTREPO, PORTER, and MONTGOMERY-REEVES, *Circuit Judges*

(Opinion filed: July 10, 2026)

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OPINION\*

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PER CURIAM

Ercole Mirarchi appeals *pro se* and *in forma pauperis* from the District Court's order dismissing his lawsuit as frivolous. We will summarily affirm.

Mirarchi initiated this matter in December 2025 by filing a complaint in the United States District Court for the Eastern District of Pennsylvania charging the Chief Justice of the United States and the Associate Justices of the U.S. Supreme Court with treason and related offenses in connection with recent elections in Pennsylvania. The District Court screened Mirarchi's complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) and dismissed it as frivolous and with prejudice because he was on notice from a prior unsuccessful lawsuit against the Commonwealth and the United States that the federal criminal statutes he relies upon do not create a private right of action. *See* ECF Doc. 6 at 4 (citing *Mirarchi v. United States Exec. Branch of the Gov't*, No. 23-cv-1549, 2023 WL 5598454, at \*3 (E.D. Pa. Aug. 29, 2023), *aff'd*, C.A. No. 23-2673, 2023 WL 8179275 (3d Cir. Nov. 27, 2023) (*per curiam*)). Mirarchi appeals.

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

We have jurisdiction under 28 U.S.C. § 1291. We review the District Court’s decision to dismiss Mirarchi’s complaint *de novo*, *see Dooley v. Wetzel*, 957 F.3d 366, 373-74 (3d Cir. 2020), and we may summarily affirm if the appeal fails to present a substantial question, *see* 3d Cir. I.O.P. 10.6.

Mirarchi’s appeal does not present a substantial question. The District Court properly dismissed his complaint as frivolous under Section 1915(e)(2)(B)(i) because “it depends on an indisputably meritless legal theory.” *Dooley*, 957 F.3d at 374 (internal quotation marks omitted). Indeed, Mirarchi asserts the same frivolous theory in this case that caused us to summarily affirm the prejudicial dismissal of his last lawsuit; the only notable difference between the two is the revised list of defendants he now charges with treason and other crimes vis-à-vis the administration of Pennsylvania’s elections. *See Mirarchi*, 2023 WL 8179275, at \*1-2. Accordingly, we will summarily affirm the District Court’s judgment.