

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1124

MICHAEL J. ROBINSON,
Appellant

v.

SAMPLE NEWS GROUP LLC, Group LLC doing business as The News Item;
TIMOTHY ZYLA, individually and in his official capacity as Managing Editor of the
News-Item; LARRY DEKINSKY, individually and as a reporter for the News Item;
John/Jane Does 1-10

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Civil Action No. 4:25-cv-02306)
District Judge: Honorable Karoline Mehalchick

Submitted Pursuant to Third Circuit L.A.R. 34.1(a)
October 1, 2026

Before: BIBAS, CHUNG, and BOVE, *Circuit Judges*

(Opinion filed: October 14, 2026)

OPINION*

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

PER CURIAM

Pro se litigant Michael J. Robinson, a frequent filer in the federal courts, appeals from the District Court’s January 15, 2026 decision dismissing his complaint with prejudice. For the reasons that follow, we will affirm that judgment.

I.

On December 3, 2025, Robinson, who at the time lived in Northumberland County, Pennsylvania, filed a complaint in the District Court against a local newspaper, two of the newspaper’s employees, and 10 John/Jane Doe defendants (hereinafter collectively referred to as “the Media Defendants”). The complaint appeared to revolve around Robinson’s allegation that, in a February 2019 edition of the newspaper, the Media Defendants had “intentionally and recklessly published [his] photograph directly [sic] beneath the obituary section with the deliberate intent to convey that [he] or his political candidacy [(he was running for Northumberland County Commissioner)] was ‘dead.’” Dist. Ct. Dkt. No. 1, at 2 (capitalization omitted); *see id.* at 1. Robinson also alleged that the Media Defendants had “systemically [sic] refus[ed] to cover [his] legitimate [sic] news.” *Id.* at 4 (capitalization omitted). The complaint included two counts — one for intentional infliction of emotional distress (“IIED”), and the other for civil conspiracy. *See id.* at 2-3. The first count also made a passing reference to “RICO,” *see id.* at 2, while the second count appeared to include a First Amendment retaliation claim, *see id.* at 4.

On December 15, 2025, Robinson moved to amend his complaint. That motion sought to add a former Northumberland County District Attorney as a defendant and bring RICO claims against him, alleging that he had “suppress[ed] evidence in [Robinson’s state-court] cases,” and “facilitated cover-ups.” Dist. Ct. Dkt. No. 4, at 2; *see id.* at 2-3. Thereafter, a United States Magistrate Judge issued a report recommending that the District Court dismiss Robinson’s complaint with prejudice. In doing so, the Magistrate Judge stated that the complaint was untimely and otherwise failed to state a claim upon which relief may be granted, and that Robinson’s amendment to the complaint was duplicative of a pleading that had been dismissed with prejudice in one of his other District Court cases (M.D. Pa. Civ. No. 4:25-cv-01134). On January 15, 2026, the District Court overruled Robinson’s objections to the report, adopted the report, denied his motion to amend, and dismissed his complaint with prejudice. This timely appeal followed.¹

II.

We have jurisdiction over this appeal pursuant to 28 U.S.C. § 1291. We exercise plenary review over the District Court’s decision to dismiss Robinson’s complaint, *see Dooley v. Wetzel*, 957 F.3d 366, 373 (3d Cir. 2020), and we may affirm that decision on

¹ After the District Court entered its decision, it received from Robinson another motion to amend his complaint. He also timely moved to alter or amend the District Court’s decision. The District Court, in an omnibus decision, denied those motions on July 29, 2026. The July 29 decision is not before us, as Robinson did not file a new notice of appeal or amend his original notice of appeal to include a challenge to that decision. *See* Fed. R. App. P. 4(a)(4)(B)(ii).

any basis supported by the record, *see Murray v. Bledsoe*, 650 F.3d 246, 247 (3d Cir. 2011) (per curiam). To survive dismissal, a complaint must “state a claim to relief that is plausible on its face” by alleging facts that “permit the court to infer more than the mere possibility of misconduct.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009) (citation to quote case omitted). A pleading that merely “offers labels and conclusions” or “tenders naked assertion[s] devoid of further factual enhancement” is insufficient. *Id.* at 678 (alteration in original) (internal quotation marks omitted).

We see no reason to disturb the District Court’s dismissal of the Media Defendants. First, to the extent that Robinson sought to raise a claim for civil conspiracy against them, his complaint did not allege any nonconclusory facts evidencing a conspiracy. *See id.* Second, to the extent that Robinson sought to raise a First Amendment retaliation claim against them pursuant to 42 U.S.C. § 1983, he could not do so because he did not allege facts showing that those private parties acted under color of state law. *See Groman v. Township of Manalapan*, 47 F.3d 628, 633 (3d Cir. 1995). Third, to the extent that Robinson sought to raise a civil RICO claim and/or an IIED claim against them, his complaint did not allege facts that would be sufficient to survive a motion to dismiss for failure to state a claim upon which relief may be granted. *See Care One Mgmt. LLC v. United Healthcare Workers E.*, 43 F.4th 126, 135 (3d Cir. 2022) (explaining that, to establish a civil RICO claim, a plaintiff must show that the defendants “conducted a pattern of racketeering activity through certain criminal predicate acts” (internal quotation marks omitted); *Davis v. Wigen*, 82 F.4th 204, 216 (3d Cir. 2023)

(“To state a claim for IIED under Pennsylvania law, the plaintiff must allege ‘intentional outrageous or extreme conduct by the defendant, which causes severe emotional distress to the plaintiff’ and ‘some type of resulting physical harm due to the defendant’s conduct.’” (quoting *Swisher v. Pitz*, 868 A.2d 1228, 1230 (Pa. Super. Ct. 2005))). Lastly, Robinson has not alleged any facts, either in the post-dismissal motion to amend that he filed in the District Court, *see supra* note 1, or in his many filings in this appeal, that would cure the defects in his claims against the Media Defendants. *See generally Geist v. State Farm Mut. Auto. Ins. Co.*, 49 F.4th 861, 866 n.6 (3d Cir. 2022) (“The District Court did not err in dismissing [plaintiff’s] claim with prejudice because further amendment would be futile.”).²

Turning to Robinson’s December 15, 2025 motion to amend his complaint, he did not need permission to file that amendment. *See Avenatti v. Fox News Network LLC*, 41 F.4th 125, 128 (3d Cir. 2022) (“Because the amended complaint was entered within twenty-one days of the initial complaint, [the plaintiff] did not require leave of court or the opposing parties.” (citing Fed. R. Civ. P. 15(a)(1)(A))). Although the District Court should not have denied Robinson’s motion to amend, remand is not necessary on that point because any error was harmless. *See* 28 U.S.C. § 2111 (“On the hearing of any appeal . . . , the court shall give judgment after an examination of the record without regard to errors or defects which do not affect the substantial rights of the parties.”).

² Because Robinson’s claims against the Media Defendants were subject to dismissal for the reasons discussed above, we need not decide whether they were untimely.

Even if we were to assume for the sake of argument that the amendment's claims against the former Northumberland County District Attorney were not barred by preclusion principles, those bald, conclusory claims would still have been subject to dismissal for failure to state a claim upon which relief may be granted, *see Ashcroft*, 556 U.S. at 678, and Robinson has not subsequently alleged any facts that would have cured that defect.

We have considered the various arguments raised in Robinson's briefing,³ and we conclude that none of those arguments entitles him to relief here. Accordingly, and in view of the above, we will affirm the District Court's judgment.⁴

³ Robinson's motions for permission to file the supplemental briefs that he has submitted to this Court are granted.

⁴ Although we have considered Robinson's extra-record allegations in evaluating whether further amendment of his complaint would be futile — most of those rambling, disjointed, and conclusory allegations appear to have nothing to do with the defendants in this case — we deny his motions to supplement the record with those allegations. *See Burton v. Teleflex Inc.*, 707 F.3d 417, 435 (3d Cir. 2013) (indicating that a party may supplement the record on appeal in only "exceptional circumstances"). To the extent that Robinson seeks any other relief from this Court, that relief is denied.