

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1162

ROCMOINE LINTON,
Appellant

v.

ATTORNEY GENERAL NEW JERSEY; PATRICIA SHAW

On Appeal from the United States District Court
for the District of New Jersey
(D.N.J. Civil Action No. 2:24-cv-09702)
District Judge: Honorable Jamel K. Semper

Submitted Pursuant to Third Circuit LAR 34.1(a)
August 24, 2026

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

(Opinion filed: September 14, 2026)

OPINION*

PER CURIAM

Pro se appellant Rocmoine Linton appeals from the District Court's dismissal of

* 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.

his complaint. For the reasons that follow, we will affirm the District Court’s order with a modification.

In 2023, Linton initiated a malpractice lawsuit in the Superior Court of New Jersey against a public defender who had represented him in a prior criminal proceeding. The New Jersey Office of the Attorney General (“NJOAG”) represented Linton’s former counsel, and the malpractice suit was dismissed in May 2024. Linton appealed to the Appellate Division of the New Jersey Superior Court and filed requests for a fee waiver and transcripts produced at public expense. Linton’s request to proceed as indigent was granted, but his transcript request was denied.

Linton sought to appeal that ruling and has alleged that in August 2024, Appellate Division Case Manager Patricia Shaw “impeded the appeal by diverting it from its intended path” when she sent him an email explaining where to file his appeal. *See Supp. App.* at 7, 47. In September 2024, the Appellate Division denied Linton’s motion for leave to appeal the order denying his transcript request and subsequently dismissed Linton’s appeal for failure to prosecute.

In October 2024, Linton initiated the underlying federal action in the District Court against NJOAG and Shaw, bringing claims pursuant to 42 U.S.C. § 1983 and alleging that they violated his due process and equal protection rights by “discriminat[ing] based on race and gender” in some unidentified way.¹ On defendants’

¹ Linton also sought to bring a claim under a New Jersey criminal statute and sought injunctive relief. However, Linton does not discuss these issues in his opening brief and has thus forfeited these claims on appeal. *See In re Wettach*, 811 F.3d 99, 115 (3d Cir.

motion, the District Court dismissed Linton’s complaint. Linton timely appealed.

Linton does not challenge the District Court’s conclusion that NJOAG and Shaw (in her official capacity as a court employee) were entitled to sovereign immunity under the Eleventh Amendment, *see Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 100-02 (1984) (explaining that Eleventh Amendment immunity protects a state and its agencies from suit unless Congress has specifically abrogated the state’s immunity, or the state has waived its immunity); *Fitchik v. N.J. Transit Rail Operations, Inc.*, 873 F.2d 655, 658 (3d Cir. 1989) (en banc) (explaining that a state agency or department is an “arm of the state” when a judgment against it “would have had essentially the same practical consequences as a judgment against the State itself”) (citation modified), and that, in any event, they were not “persons” amenable to suit for purposes of § 1983, *see Will v. Mich. Dep’t of State Police*, 491 U.S. 58, 71 (1989) (“[N]either a State nor its officials acting in their official capacities are ‘persons’ under § 1983”). We see no basis to disturb the District Court’s conclusions in this regard.

The District Court also appropriately concluded that Linton’s claims against Shaw in her individual capacity were barred by quasi-judicial immunity, given her administrative involvement in his state court proceedings as a court employee. *See Gallas v. Sup. Ct. of Pa.*, 211 F.3d 760, 772-73 (3d Cir. 2000) (observing that judicial employees who “function[] as an arm of the court” are protected by quasi-judicial

2016) (explaining that any issue that an appellant fails to develop in an opening brief is forfeited).

immunity) (citation modified); *see also Capogrosso v. Sup. Ct. of N.J.*, 588 F.3d 180, 185 (3d Cir. 2009) (per curiam). Linton has not clarified his allegations in any of his filings, and the District Court did not abuse its discretion in denying Linton leave to amend as futile under the circumstances of this case. *See Grayson v. Mayview State Hosp.*, 293 F.3d 103, 106 (3d Cir. 2002).²

The District Court was correct to dismiss these claims. However, dismissals based on Eleventh Amendment immunity or quasi-judicial immunity should be without prejudice. *See Merritts v. Richards*, 62 F.4th 764, 772 (3d Cir. 2023). Therefore, we will modify the District Court's order to dismiss the complaint without prejudice, and we will affirm the District Court's order as modified.

² We have jurisdiction under 28 U.S.C. § 1291. We exercise plenary review over the dismissal of a complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). *See Free Speech Coal., Inc. v. Att'y Gen.*, 677 F.3d 519, 529-30 (3d Cir. 2012). To the extent that Linton raises new factual allegations or arguments for the first time on appeal, we do not consider them. *See Jenkins v. Superintendent of Laurel Highlands*, 705 F.3d 80, 88 n.12 (3d Cir. 2013).