

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1323

BRYAN J. SHINE,
Appellant

v.

COUNTY OF MONTGOMERY; COUNTY OF CHESTER; COUNTY OF DAUPHIN;
FRANCIS CHARDO; MAUREEN TRESTON; WILLIAM MANN;
TROOPER JOHN DOE, Pennsylvania State Police; NICOLAS CHIMIENTI, JR.;
C/O JOHN/JANE DOES (Chester County Prison); TWO UNKNOWN NAMED JOHN
DOES (Dauphin County Sheriff Office); RONALD M. PHILLIPS

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Civil Action No. 2:23-cv-01952)
District Judge: Honorable Paul S. Diamond

Submitted for Possible Summary Action, and on Appellees' Motion for Summary Action,
Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6

July 2, 2026

Before: KRAUSE, MATEY, and BOVE, *Circuit Judges*

(Opinion filed August 25, 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

Bryan J. Shine, proceeding pro se and in forma pauperis, appeals from the District Court's order denying his motion filed under Federal Rule of Civil Procedure 60(b). Several of the appellees have moved for summary affirmance. Because Shine's appeal does not present a substantial question, we grant that motion and will summarily affirm the District Court's judgment.

Shine filed a civil rights complaint, which he later amended, alleging that the defendants violated his constitutional rights during his arrest and detention. The defendants filed motions to dismiss. The District Court granted those motions, dismissing Shine's amended complaint with prejudice. Shine appealed, but we dismissed the case because he failed to pay the requisite filing fee. *See Shine v. County of Montgomery*, C.A. No. 24-2521 (order entered Sept. 5, 2024). Thereafter, on July 15, 2025, Shine filed in the District Court a motion for relief under Federal Rule of Civil Procedure 60(b). He claimed that he obtained new evidence, and that the District Court misapplied the law and facts when rejecting his claims. The District Court denied the motion, and Shine timely appealed.

We have jurisdiction pursuant to 28 U.S.C. § 1291, and we review the denial of the Rule 60(b) motion for abuse of discretion. *See Brown v. Phila. Hous. Auth.*, 350 F.3d 338, 342 (3d Cir. 2003). We may summarily affirm if the appeal fails to present a substantial question. *See Murray v. Bledsoe*, 650 F.3d 246, 247 (3d Cir. 2011) (per curiam); 3d Cir. L.A.R. 27.4; 3d Cir. I.O.P. 10.6.

The District Court did not abuse its discretion in denying Shine’s Rule 60(b) motion. “We view Rule 60(b) motions as extraordinary relief which should be granted only where extraordinary justifying circumstances are present.” *Bohus v. Beloff*, 950 F.2d 919, 930 (3d Cir. 1991) (citation modified). For the reasons explained by the District Court, Shine did not meet his “heavy burden” of making “more than a showing of the potential significance of the new evidence.” *Id.* (citation modified). Specifically, although Shine asserted that he “recently discovered evidence that further supports the claim that the officers acted in bad faith and failed to follow their own policies,” he did not identify that new evidence. ECF 54, at 1. To the extent that Shine disagreed with the District Court’s dismissal of his amended complaint, no relief was warranted because “a Rule 60(b) motion may not be used as a substitute for an appeal.” *United States v. Fiorelli*, 337 F.3d 282, 288 (3d Cir. 2003) (citation modified).

For the foregoing reasons, we grant the appellees’ motion to summarily affirm and will affirm the District Court’s judgment.