

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1371

CAROLYN SMITH, in her Individual capacity and as Permanent Legal Custodian of
T.A.H., A Minor; DR. TAMIERA HARRIS GRIFFIN, in her individual capacity,
Appellants

v.

CITY OF PHILADELPHIA; MICHAEL MON, Esq., Deputy City Solicitor, in his
Individual and Official Capacities; RACHEL MCHALE, Esq., Assistant City Solicitor, in
her Individual and Official Capacities; ROBERT AVERSA, Esq., City Solicitor, in his
Individual and Official Capacities; KATHLEEN BOLA KIM, Esq., Assistant City
Solicitor, in her Individual and Official Capacities; SHEREE STRAUSS, Legal
Assistant/OHS Records Custodian, in her Individual and Official Capacities; MEGAN
MIRTENBAUM, ESQ. Divisional Deputy Solicitor, in her Individual and Official
Capacities; KIMBERLY ALI, Commissioner of OHS, in her Individual and Official
Capacities; SAMUEL B. HARRISON, III, Deputy Commissioner, Child Welfare
Operations, OHS, in his Individual and Official Capacities; VANESSA GARRETT
HARLEY, Deputy Mayor for the Office of Children and Families, in her Individual and
Official Capacities; JAMES WINSTON MARTIN, ESQ., in his Individual capacity;
MAUREEN PIE, Esq., in her Individual Capacity; LISA MARIE VISCO, Child
Advocate, in her Individual Capacity; AARON MIXON, Esq., in his Individual capacity;
SEAN FORMAN, Social Worker/Adoption Branch, in his Individual and Official
capacities; ANTHONY MAZZELLA, Adoption Clerk, in his Individual and Official
capacities; KIMBERLY TOBIN, Director of Common Pleas Court, in her Individual and
Official Capacities; JOHN/JANE DOES 1-10, Unknown OHS Officials, in their
Individual and Official Capacities

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(E.D. Pa. Civil Action No. 2:25-cv-05455)
District Judge: Honorable Paul S. Diamond

Submitted Pursuant to Third Circuit LAR 34.1(a)
September 17, 2026

Before: KRAUSE, RESTREPO, and PORTER, *Circuit Judges*

(Opinion filed: September 17, 2026)

OPINION*

PER CURIAM

Pro se appellants Dr. Tamiera S. Harris Griffin and Carolyn Smith appeal from the District Court’s dismissal of their complaint. For the reasons that follow, we will affirm the District Court’s judgment, with one modification.

I.

This case stems from a dispute over state court adoption proceedings involving a minor child, T.A.H., who tested positive for marijuana at birth in 2015.¹ The Philadelphia Department of Human Services (“DHS”) placed T.A.H. with Harris Griffin, the child’s maternal cousin, and both of T.A.H.’s biological parents relinquished their parental r in 2016.

In 2021, after DHS twice removed T.A.H. from Harris Griffin’s care, Philadelphia

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

¹ Because we write primarily for the parties, we will recite only the facts necessary for this discussion.

Dependency Court appointed Smith, T.A.H.’s maternal grandmother, as the child’s permanent legal custodian (“PLC”). In 2024, Harris Griffin filed a petition to adopt T.A.H., and Smith consented to the adoption. After several hearings, in July 2025, the Juvenile Branch of the Philadelphia Family Court dismissed the adoption petition without prejudice and transferred the petition to the Domestic Relations Branch of the Family Court.² It reasoned that transfer was proper because the PLC order had been issued by the Domestic Relations Branch of the Family Court and provided that any modification of the order should go through that court.³

In September 2025, Harris Griffin and Smith initiated the underlying federal lawsuit, alleging civil rights claims under 42 U.S.C. § 1983, as well as related conspiracy claims under §§ 1985 and 1986, and state law claims.⁴ As relevant here, the complaint

² [I]n Philadelphia, the Family Court Division, or Family Court, is one of three major divisions of the Court of Common Pleas. The Family Court consists of two branches: Juvenile and Domestic Relations. While the Juvenile Branch deals with adoption proceedings, among other things, the Domestic Relations Branch deals with custody.” *In re T.A.H.*, 354 A.3d 494, 2026 WL 92207, at *4 (Pa. Super. Ct. January 13, 2026).

³ Appellants’ appeal of the dismissal and transfer order has since been quashed for lack of appellate jurisdiction, and the Pennsylvania Supreme Court denied their petition for allowance of appeal. *See In re T.A.H.*, 2026 WL 92207, at *5-6, *appeal denied sub nom. T.A.H. v. T.H.G.*, 358 A.3d 1246 (Pa. 2026).

⁴ Appellants raised additional claims in their complaint that they do not discuss in their opening brief and they have thus forfeited those claims on appeal. *See In re Wettach*, 811 F.3d 99, 115 (3d Cir. 2016) (explaining that any issue that an appellant fails to develop in an opening brief is forfeited). We address only those claims that appellants discuss in their opening brief and do not “reach arguments raised for the first time in a reply brief.” *See Barna v. Bd. of Sch. Dirs. of Panther Valley Sch. Dist.*, 877 F.3d 136, 146 (3d Cir.

named the City of Philadelphia, various DHS and state court employees, and Harris Griffin's former court-appointed counsel as defendants. Harris Griffin and Smith also sought injunctive relief in connection with their claims. On defendants' motions to dismiss, the District Court dismissed the complaint with prejudice and denied injunctive relief. Harris Griffin and Smith timely appealed.

II.

We have jurisdiction under 28 U.S.C. § 1291. We exercise plenary review over the District Court's dismissal of appellants' complaint for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6). *See Fowler v. UPMC Shadyside*, 578 F.3d 203, 206 (3d Cir. 2009). A motion to dismiss may be granted "if, accepting all well-pleaded allegations in the complaint as true and viewing them in the light most favorable to the plaintiff, a court finds that [the] plaintiff's claims lack facial plausibility."⁵ *Warren Gen. Hosp. v. Amgen Inc.*, 643 F.3d 77, 84 (3d Cir. 2011). We may affirm on any basis

2017). We note that the District Court made several alternative rulings when dismissing some of appellants' claims, and we need not reach any alternative determinations beyond the issues discussed here.

⁵ We consider the documents attached to the complaint and certain documents filed by defendants in determining whether the District Court's decision was appropriate. *See Davis v. Wells Fargo*, 824 F.3d 333, 341 (3d Cir. 2016) (considering "exhibits attached to the complaint, matters of public record, as well as undisputedly authentic documents if the complainant's claims are based upon these documents," when reviewing a Rule 12(b)(6) dismissal) (citation modified).

supported by the record. *Murray v. Bledsoe*, 650 F.3d 246, 247 (3d Cir. 2011) (per curiam).

III.

We will affirm.⁶ Appellants do not contest the District Court's determination that, to the extent they sought review and rejection of any order entered by the state court, their claims would be barred by the *Rooker-Feldman* doctrine. See *T. M. v. Univ. of Md. Med. Sys. Corp.*, 146 S. Ct. 1739, 1748 (2026). However, any claims alleging independent constitutional injuries fall outside the scope of that doctrine. See *Great W. Mining & Min. Co. v. Fox Rothschild LLP*, 615 F.3d 159, 172-73 (3d Cir. 2010).

Appellants' central argument alleges a sweeping civil rights conspiracy against them in the underlying state court proceedings, because appellants believe that Smith should have been able to unilaterally consent to Harris Griffin's adoption of T.A.H. without further state involvement. They alleged that the following conduct supported their conspiracy claims: (1) an appointed child advocate told appellants that she found favorable evidence but did not share it with them and then withdrew from the case; (2) a guardian ad litem participated in hearings without notice to appellants; (3) various defendants maintained a similar legal position regarding the PLC order; (4) various

⁶ Appellants argue that the District Judge was biased against them because he presided over prior related litigation and made rulings against them, but they did not raise this argument in the District Court and we do not consider it for the first time on appeal. See *Jenkins v. Superintendent of Laurel Highlands*, 705 F.3d 80, 88 n.12 (3d Cir. 2013).

individuals appeared at court hearings even though appellants sent them cease and desist letters; and (5) the form appellants signed in 2015 was somehow “suppressed.”

Appellants’ Br. at 26-29.

“[T]o properly plead an unconstitutional conspiracy, a plaintiff must assert facts from which a conspiratorial agreement can be inferred,” which requires a plaintiff to plead “enough factual matter (taken as true) to suggest that an agreement was made.” *Great W. Mining & Min. Co.*, 615 F.3d at 178 (citation modified). None of appellants’ allegations suggest that the defendants “reached an understanding” to violate appellants’ civil rights. *See Jutrowski v. Twp. of Riverdale*, 904 F.3d 280, 295 (3d Cir. 2018) (citation modified). Rather, at most, appellants’ vague, conclusory belief that individuals involved in the underlying state court proceedings somehow conspired against them shows parallel conduct, but “parallel conduct does not suggest conspiracy, and a conclusory allegation of agreement at some unidentified point does not supply facts adequate to show illegality.” *Great W. Mining & Min. Co.*, 615 F.3d at 176 (citation omitted); *see also Abbott v. Latshaw*, 164 F.3d 141, 148 (3d Cir. 1998) (explaining that a complaint that presents “conclusory allegations of concerted action but is devoid of facts actually reflecting joint action” is insufficient).

Appellants next claimed that their due process rights were violated and that they were denied access to the court when defendants allegedly: (1) excluded them from hearings, (2) denied them electronic filing privileges, (3) somehow modified and then

withheld a court order so others could “obtain unauthorized standing” to “obstruct” the adoption proceedings; and (4) withheld a document that appellants signed in 2015. *See* Appellants’ Br. at 15-16, 20-21. Harris Griffin has maintained that she was not notified about and did not appear at certain hearings, but the transcripts attached to the complaint show her attendance, and although she claims to have provided a declaration stating that the record was falsified, no such declaration actually appears in the attachments to the complaint.⁷ Further, appellants have not alleged that they were prevented from pursuing their legal claims or suffered any actual injury by being denied electronic filing privileges in state court, and the record establishes their extensive litigation of the underlying issues.⁸ *Cf. Monroe v. Beard*, 536 F.3d 198, 205 (3d Cir. 2008) (stating that a plaintiff pursuing an access to the courts claim must allege an “actual injury” from losing an opportunity “to pursue a ‘nonfrivolous’ or ‘arguable’ underlying claim”) (citation modified).

⁷ We note that a declaration from Harris Griffin was attached to one of appellants’ motions for injunctive relief, but it does not clearly state that she never attended these hearings despite the record of her presence.

⁸ Appellants contend that the District Court violated their rights when it denied their request for electronic filing privileges. However, we discern no error in the District Court’s order, which directed appellants to use the District Court’s Electronic Document Submission system to submit documents and receive electronic service as pro se litigants, and explained where they could find additional information about that system. *Cf. In re Fine Paper Antitrust Litig.*, 685 F.2d 810, 817 (3d Cir. 1982) (“[M]atters of docket control . . . are committed to the sound discretion of the district court.”).

Appellants have also not provided sufficient factual allegations to explain how they believe their due process rights were violated when the 2021 PLC order, or a document they signed in 2015, were somehow withheld from them in connection with their state court proceedings.⁹ *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007) (requiring a complaint to include “enough facts to state a claim to relief that is plausible on its face”); *Parker v. N.J. Motor Vehicle Comm’n*, 158 F.4th 470, 481 (3d Cir. 2025) (“A Fourteenth Amendment procedural due process claim consists of three elements: (i) a deprivation of life, liberty, or property; (ii) by a state actor; (iii) without due process of law.”). Accordingly, their claims were properly dismissed.¹⁰

Under the circumstances of this case, where appellants have not provided clarity on their speculative and implausible allegations in any of their filings, we agree with the

⁹ Appellants argue on appeal that the PLC was order was somehow “fraudulently modified,” seemingly because some of the language in the order differs from the language in a separate order from 2019 in the underlying proceedings, and that unspecified “forensic metadata” would prove the alleged fraud. *See* Appellants’ Br. at 19-20, 23-24. Even if appellants had included a claim that the PLC order had been “fraudulently modified” in their complaint, however, these speculative allegations would have been insufficient to state a fraud claim. *See Alpizar-Fallas v. Favero*, 908 F.3d 910, 918-19 (3d Cir. 2018) (explaining that a party alleging fraud “must state with particularity the circumstances constituting fraud,” including outlining the “precise misconduct” alleged).

¹⁰ Because appellants’ underlying claims lacked merit, there was no basis to consider their request for injunctive relief to intervene in their state court proceedings. *See Reilly v. City of Harrisburg*, 858 F.3d 173, 176 (3d Cir. 2017) (explaining that injunctive relief is appropriate only where a litigant can show “a reasonable probability of eventual success in the litigation,” among other factors).

District Court's conclusion to deny them leave to amend as futile. *See Grayson v. Mayview State Hosp.*, 293 F.3d 103, 106 (3d Cir. 2002). Finally, appellants have not challenged the District Court's decision declining to exercise supplemental jurisdiction over their state law claims after all of their federal claims were dismissed. *See* 28 U.S.C. § 1367(c)(3); *In re U.S. Healthcare, Inc.*, 193 F.3d 151, 160 (1999). However, because the dismissal of those state law claims for lack of subject matter jurisdiction should have been a dismissal without prejudice, we modify the District Court's order, in part, to dismiss appellants' state law claims without prejudice. *See N.J. Physicians, Inc. v. President of U.S.*, 653 F.3d 234, 241 n.8 (3d Cir. 2011) (explaining that dismissals for lack of subject matter jurisdiction are "by definition without prejudice").

For these reasons, we will affirm the District Court's judgment as modified.¹¹

¹¹ Appellants' motion for remand is denied.