

**NOT PRECEDENTIAL**

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 26-1491

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JOSE LUIS SANTIAGO,  
Appellant

v.

CITY OF PHILADELPHIA, et al; ESTATE OF THE  
HONORABLE PAUL RIBNER; DAVID E. DESIDERIO, ESQ.

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On Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
(D.C. Civil No. 2:25-cv-06816)  
District Judge: Honorable Gerald A. McHugh

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Submitted Pursuant to Third Circuit LAR 34.1(a)  
October 8, 2026

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

(Opinion filed: October 16, 2026)

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OPINION\*

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PER CURIAM

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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.

After a bench trial in the Court of Common Pleas of Philadelphia, Jose Luis Santiago was convicted of first-degree murder and related offenses for his role in a drive-by shooting that resulted in the death of an innocent bystander. Former Assistant District Attorney David E. Desiderio was the prosecutor. The late Paul Ribner was the trial judge; he sentenced Santiago to mandatory life imprisonment.

Decades later, Santiago's convictions were vacated due to a conflict of interest—undisclosed at trial and newly discovered by Santiago—concerning Desiderio's role as an eyewitness in a personal injury action filed by Ribner and his wife. Rather than face a new criminal trial, Santiago agreed to plead guilty to one count of third-degree murder. He was sentenced by a different judge to what was, in effect, time served.

After his release, Santiago filed a civil rights complaint against Desiderio, Ribner's estate, and the City of Philadelphia (the City). The District Court dismissed the federal claims with prejudice, under 28 U.S.C. § 1915(e)(2)(B)(ii). It declined to exercise supplemental jurisdiction over the state claims and dismissed them without prejudice.

Santiago timely appealed. We have jurisdiction under 28 U.S.C. § 1291. Our review is in all material ways de novo. *See Allah v. Seiverling*, 229 F.3d 220, 223 (3d Cir. 2000); *In re Walmart Inc. Sec. Litig.*, 151 F.4th 103, 112 (3d Cir. 2025).

Santiago's lead argument on appeal is that the District Court violated our sua sponte amendment rule, which requires leave to amend an original civil rights complaint “unless amendment would be inequitable or futile.” *Grayson v. Mayview State Hosp.*, 293

F.3d 103, 108 (3d Cir. 2002). As Santiago acknowledges, though, the District Court cited *Grayson* and made a futility determination. That determination plainly was a byproduct of the dismissal rationale that preceded it. The District Court thus complied with our rule.

We also discern no error in the futility determination itself. The District Court properly dismissed Santiago’s damages claims against Ribner and Desiderio on immunity grounds. The claims were tied only to acts or omissions within the scope of the defendants’ roles as presiding judge and state’s advocate, respectively, during Santiago’s trial. *See Mireles v. Waco*, 502 U.S. 9, 11–12 (1991); *Imbler v. Pachtman*, 424 U.S. 409, 431 (1976). No pleading amendment could defeat immunity and save those claims.

A with-prejudice dismissal was likewise proper for the federal claims against the City.<sup>1</sup> Municipal entities “may be held liable for the violation of a constitutional right under 42 U.S.C. § 1983 only when the alleged unconstitutional action executes or implements policy or a decision officially adopted or promulgated by those whose acts may fairly be said to represent official policy.” *Reitz v. Cnty. of Bucks*, 125 F.3d 139, 144

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<sup>1</sup> The District Court determined that Santiago could not plausibly plead claims against the City because the alleged tortfeasors were not City employees: Ribner, a state court judge, was employed by the Commonwealth; and Desiderio was employed by the Philadelphia District Attorney’s Office (the DAO). At least as to Desiderio, the District Court’s determination may have been hyper-technical. Philadelphia is a consolidated city-county, so its District Attorney is a City officer, and the DAO a City-funded apparatus of local government staffed with line prosecutors and others. *See Carter v. City of Philadelphia*, 181 F.3d 339, 348–50 (3d Cir. 1999); *In re Prospect Crozer LLC*, 328 A.3d 37, 64 n.21 (Pa. 2024). We will thus assume in this appeal that it was not a fatal pleading error for Santiago to fail to name the DAO as a defendant instead of, or in addition to, the City.

(3d Cir. 1997) (citing *Monell v. New York City Dep't of Social Svcs.*, 436 U.S. 658, 690–91 (1978)). Santiago, however, failed to plausibly allege in his complaint the existence of an actual policy or custom, let alone one with a causal connection to the undisclosed conflict of interest at issue. *See Bd. of Cnty. Comm'rs of Bryan Cnty., Okl. v. Brown*, 520 U.S. 397, 404 (1997) (describing *Monell* causation requirement).

Santiago offers no viable cure for those defects. His argument that he could with a new pleading “identify [a] municipal policy with specificity,” Br. 16, is immediately undermined by his parenthetical noting the *absence* of any official “policy.” *See Natale v. Camden Cnty. Corr. Facility*, 318 F.3d 575, 584 (3d Cir. 2003) (“A policy is made when a decisionmaker possessing final authority to establish municipal policy with respect to the action issues a final proclamation, policy or edict.”) (citation modified).

Santiago also does not plausibly identify a “custom.” *See id.* (defining the term). A single employee’s alleged “pattern” of misconduct, *see* Br. 16 (referencing complaint’s allegations of perjury-subornation, evidence-fabrication, and violations of the rule from *Brady v. Maryland*, 373 U.S. 83 (1963)), does not qualify as office-wide “conduct so well-settled and permanent as to virtually constitute law,” *Forrest v. Parry*, 930 F.3d 93, 106 (3d Cir. 2019). Such misconduct, moreover, is unrelated to the limited basis on which Santiago’s convictions were vacated. *See* Br. 11 (conceding that the undisclosed conflict “had nothing to do with marshaling proof or presenting the Commonwealth’s

case”); *cf. Strickler v. Greene*, 527 U.S. 263, 282 (1999) (explaining that *Brady* material is either “exculpatory” or “impeaching”).

That leaves Santiago’s “failure to train or supervise” theory. Br. 16. His arguments come up short there, too; he identifies no plausible allegations satisfying the “deliberate indifference” standard under *City of Canton v. Harris*, 489 U.S. 378, 388 (1989) (“Only where a municipality’s failure to train its employees in a relevant respect evidences a ‘deliberate indifference’ to the rights of its inhabitants can such a shortcoming be properly thought of as a city ‘policy or custom’ that is actionable under § 1983.”). *See also Connick v. Thompson*, 563 U.S. 51, 61 (2011) (“A municipality’s culpability for a deprivation of rights is at its most tenuous where a claim turns on a failure to train.”).

Notably, Santiago asserts that the subject conflict was disclosed in other cases involving the same judge-prosecutor combination. *See* Br. 5. An aberrant lapse with respect to conflict-disclosure obligations does not create “a reasonable expectation that discovery will reveal evidence” of deliberate indifference traceable in one direction to a policymaker (on notice) and in another to Santiago’s injury, *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 556 (2007). *See Brown*, 520 U.S. at 409 (explaining that municipal liability can be triggered by “evidence of a single violation of federal rights” only upon a “showing that a municipality has failed to train its employees to handle recurring situations presenting an obvious potential for such a violation”).

Accordingly, the District Court did not err, and its judgment will be affirmed.<sup>2</sup>

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<sup>2</sup> Santiago's only argument for his state claims presupposes a remand that will not come to pass. And his argument about liberal construction is inconsequential; the outcome of this appeal does not turn on any application of *Haines v. Kerner*, 404 U.S. 519 (1972) (per curiam), and its progeny. Any remaining arguments are rejected as without merit.