

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1594

JASON MORGAN,
Appellant

v.

POLICE OFFICER ERIC SIEGFRIED, Badge number 1715 individually and as a police officer for the City of Easton; POLICE OFFICER SERGEANT SALVATORE CUCCIUFFO; APRIL MORGAN

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Civil Action No. 5:22-cv-02454)
District Judge: Honorable Mia R. Perez

Submitted Pursuant to Third Circuit LAR 34.1(a)

August 3, 2026

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

(Opinion filed: August 19, 2026)

OPINION*

PER CURIAM

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

Jason Morgan (“Jason”), proceeding pro se, appeals from the District Court’s order granting summary judgment in favor of Appellees, Police Officer Eric Siegfried, Police Officer Sergeant Salvatore Cucciuffo (collectively, “officer appellees”), and April Morgan (“April”). We will affirm the District Court’s judgment.

I.

Jason filed a 42 U.S.C. § 1983 action against officer appellees and his sister, April. His case arises from an altercation between himself and April after he and other family members came to her home to move their father from Pennsylvania to Florida. Police officers, including the officer appellees, from the Easton Police Department came to the home. Jason told Siegfried that April had “grabbed him by the neck” and April told both the officer appellees that Jason had punched her in the face. ECF No. 24-1 at 5–6. The next day, April told staff at the Easton Police Department that she had a bruise and asked them to arrest Jason. Cucciuffo came to her home and took a picture of her cheek. As Jason noted in his response to the officer appellees’ motion for summary judgment, they obtained an arrest warrant.¹ Jason was subsequently arrested. In his amended complaint, Jason argued that the appellee officers subjected him to false arrest and malicious prosecution and violated his Fourth Amendment rights. Jason also alleged that April subjected him to false arrest, malicious prosecution, and assault and battery.

The appellees moved for summary judgment, which the District Court granted. This timely appeal followed.

¹ Jason contests the validity of the arrest warrant.

II.

We have jurisdiction under 28 U.S.C. § 1291. We exercise plenary review over the District Court's grant of summary judgment. *Blunt v. Lower Merion Sch. Dist.*, 767 F.3d 247, 265 (3d Cir. 2014). Summary judgment is appropriate if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c). A genuine dispute of material fact exists if the evidence is sufficient for a reasonable factfinder to return a verdict for the nonmoving party. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). We may affirm on any basis supported by the record. *See Fairview Township v. EPA*, 773 F.2d 517, 525 n.15 (3d Cir. 1985).

III.

On appeal, Jason asserts that the District Court improperly determined that probable cause existed, “procedural errors” require reversal, discovery was “denied,” the appellee officers acted with malice, the District Court’s determination that the officers had qualified immunity was premature, the appellee officers are independently liable,² summary judgment was inappropriate because “conflicting facts” remained, April can be held liable through § 1983 because she was a state actor, the District Court violated his due process by deciding April was a private citizen on summary judgment, and an order sanctioning him was improper because it arose from a “good-faith procedural dispute.”

² Jason did not assert an explanation of individual liability for the appellee officers in either his amended complaint or his opening brief. We do not consider arguments made for the first time on appeal. *See Jenkins v. Superintendent of Laurel Highlands*, 705 F.3d 80, 88 n.12 (3d Cir. 2013).

C.A. No. 8 at 14–25, 27–30. However, Jason does not explain or justify most of these assertions in his opening brief, so to that extent they are forfeited. *In re Wettach*, 811 F.3d 99, 115 (3d Cir. 2016). Nonetheless, we provide an explanation of why summary judgment was appropriate.

IV.

In order to successfully bring a § 1983 claim, a plaintiff has the burden of showing that the defendants violated their rights “under color of state law.” *Groman v. Twp. of Manalapan*, 47 F.3d 628, 638 (3d Cir. 1995). While a private individual can act under color of state law for the purposes of § 1983, that individual must have “exercised power possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law.” *Id.* (cleaned up).

Here, Jason argues that because April “actively pressured Sgt. Cucciuffo” to arrest him, she was a state actor. C.A. No. 8 at 25. But requesting that police arrest someone does not convert a private citizen into a state actor. *See Groman*, 47 F.3d at 638. The District Court properly granted summary judgment to April on Jason’s malicious prosecution and false arrest claims.

V.

To prevail on a claim for false arrest under § 1983, a plaintiff “must establish that a state actor engaged in conduct that deprived him of rights, privileges, or immunities secured by the constitution or laws of the United States.” *Wilson v. Russo*, 212 F.3d 781, 786 (2000) (internal quotations omitted). “The proper inquiry in a section 1983 claim based on false arrest...is not whether the person arrested in fact committed the offense

but whether the arresting officers had probable cause to believe the person arrested had committed the offense.” *Dowling v. City of Philadelphia*, 855 F.2d 136, 141 (1988).

Generally, an arrest pursuant to a facially valid warrant is presumptively with probable cause. *Baker v. McCollan*, 443 U.S. 137, 144 (1979). Because Jason was arrested pursuant to an arrest warrant, he must show “by a preponderance of the evidence: (1) that the police officer knowingly and deliberately, or with a reckless disregard for the truth, made false statements or omissions that create a falsehood in applying for a warrant; and (2) that such statements or omissions are material, or necessary, to the finding of probable cause.” *Wilson*, 212 F.3d at 786–87. An officer makes an omission with reckless disregard by withholding “a fact in his ken that any reasonable person would have known that was the kind of thing the judge would wish to know.” *Id.* at 788 (cleaned up).

On appeal, Jason argues that the affidavit of probable cause omitted material facts and that the officer appellees’ comments regarding their initial refusal to charge him undermined the ultimate finding of probable cause. Jason argues that these comments, his injuries, the presence of multiple witnesses to the interaction, and conflicting accounts of the altercation are material omitted facts from the affidavit of probable cause. He did not include any explanation as to why the omission of his injuries, or any other omission, was material. Likewise, Jason argues that his arrest “resulted from pressure rather than probable cause.” C.A. No. 8 at 24. Again, he does not provide an explanation.

We agree with the District Court that Jason’s allegations are not material as to the existence of probable cause. Jason’s assertions neither undermine April’s positive

identification of him nor her allegation that his punch bruised her. We affirm the District Court's determination that Jason's claims of malicious prosecution³ and false arrest against the appellee officers fail.

Accordingly, we will affirm the judgment of the District Court.

³ As in false arrest, Jason needed to establish an absence of probable cause to succeed on his malicious prosecution claim against the appellee officers. *Harvard v. Cesnalis*, 973 F.3d 190, 199, 203 (3d Cir. 2020). Because his arrest was supported by probable cause, his malicious prosecution claim against appellee officers likewise fails.