NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1602

COURTNEY INNOCENTI f/k/a COURTNEY MILLER,
Appellant

v.

ERIC MILLER;
LUZERNE COUNTY;
JOHN DOE AND JANE DOE COUNTY OFFICIALS

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Civil Action No. 3:25-cv-01454)
District Judge: Honorable Joseph F. Saporito

Submitted Pursuant to Third Circuit LAR 34.1(a)
October 19, 2026
Before: KRAUSE, RESTREPO, and PORTER, *Circuit Judges*

(Opinion filed: November 6, 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.

Courtney Miller appeals from the District Court's order dismissing her third amended complaint. We will affirm.

I.

Miller filed her operative complaint in the Middle District of Pennsylvania pursuant to 42 U.S.C. § 1983. In her suit, she brought claims against Luzerne County, unnamed Luzerne County officials, and her ex-husband, Eric Miller, related to issues involving spousal support, child custody, and child abuse allegations. Miller also filed emergency motions for a temporary restraining order ("TRO"), and a motion to recuse the District Court Judge. After the District Court denied her motion for recusal, a Magistrate Judge screened her complaint under 28 U.S.C. § 1915(e). The Magistrate Judge recommended dismissing her complaint for failure to state a claim and abstaining from ruling on her procedural due process claims under *Younger v. Harris.* 401 U.S. 37 (1971). Over Miller's objections, the District Court adopted the Report and Recommendation and dismissed Miller's complaint and motions for an emergency TRO. Miller timely appealed.

II.

We have jurisdiction pursuant to 28 U.S.C. § 1291. Our review of the District Court's sua sponte dismissal of Miller's complaint for failure to state a claim is plenary. *See Allah v. Seiverling*, 229 F.3d 220, 223 (3d Cir. 2000). In conducting that review, we accept the factual allegations in Miller's complaint as true and construe those facts in the light most favorable to her. *Newark Cab Ass'n v. City of Newark*, 901 F.3d 146, 151 (3d Cir. 2018). We review the denial of leave to amend for abuse of discretion. *Dooley v.*

Wetzel, 957 F.3d 366, 376 (3d Cir. 2020). Because Miller is proceeding pro se, we construe her filings liberally. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam). However, pro se litigants still "must abide by the same rules that apply to all other litigants." *Mala v. Crown Bay Marina, Inc.*, 704 F.3d 239, 245 (3d Cir. 2013). We may summarily affirm if an appeal fails to present a substantial question. *See* 3d Cir. L.A.R. 27.4; I.O.P. 10.6.

III.

The District Court did not err in holding that Miller failed to state a state-created danger claim. On appeal, Miller alleges that the District Court erred in construing her claim as solely alleging government inaction. To the extent that Miller claimed County officials failed to protect her or her child from her ex-husband, the Due Process Clause generally does not impose upon the state an affirmative duty to protect its citizens from harms caused by private actors. *See DeShaney v. Winnebago Cty. Dep't of Soc. Servs.*, 489 U.S. 189, 195 (1989). And the "state-created danger" exception does not apply here, because Miller did not allege any affirmative action that made her more vulnerable to danger from private actors. *See Bright v. Westmoreland County*, 443 F.3d 276, 281 (3d Cir. 2006) (explaining that an essential element of a state-created danger claim is that "a state actor affirmatively used his or her authority in a way that created a danger to the citizen or that rendered the citizen more vulnerable to danger than had the state not acted at all").

Miller also argues that the District Court erred in its assessment of her First Amendment retaliation claim. Miller claimed that the County and its unnamed officials

retaliated against her for reporting domestic violence and child abuse, filing motions, and seeking protective orders. Miller alleged that the defendants did so by ignoring her motions, threatening to hold her in contempt, "obstructing law-enforcement processes" and requiring her to communicate with a guardian ad litem only through opposing counsel. The District Court determined that Miller failed to allege an actual injury in her access to courts argument and did not demonstrate a causal connection between the protected activity and adverse action. We agree. Miller had the burden of showing that any of her constitutionally protected conduct was a "substantial" or "motivating factor" in the harm she alleged. *Suppan v. Dadonna*, 203 F.3d 228, 235 (3d Cir. 2000). Miller failed to explain how the adverse actions were related to her protected activity and, thus, failed to establish a causal link between them.

Next, Miller argues that the District Court erred in dismissing her municipal liability claim by misapplying *Monell v. Department of Social Services of City of New York*. 436 U.S. 658, 690 (1978) (permitting § 1983 suits against municipalities where "the action that is alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation, or decision officially adopted and promulgated by that body's officers"); Miller argues on appeal that the District Court misapplied *Monell*, arguing that the District Court overlooked her allegations that "at least one" County practice impacted another mother. But while the District Court did not include the experiences of the other mother in its analysis, Miller's conclusory reference to another affected mother does not establish the existence of a widespread custom or practice.

Miller challenges the District Court's abstention from her procedural due process claims. In her complaint, Miller argued that she was denied procedural due process in her child custody and divorce proceedings in state court.[1] But where a state has provided seemingly adequate procedural protections, a plaintiff cannot skip that process and seek relief in federal court instead. *See Alvin v. Suzuki*, 227 F.3d 107, 116 (3d Cir. 2000). The actions of which she complains could have been addressed in the relevant state court and through the state court appeals process. Therefore, her claim is without merit.[2]

Miller challenges the District Court's denial of her motion for recusal, noting that there was an appearance of impartiality.[3] There is no evidence of bias on behalf of the District Court Judge, nor do we see any other reason why the District Court Judge should

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[1] For example, Miller asserts that her efiling access was revoked and she was only permitted to communicate with a guardian ad litem through opposing counsel.

[2] Miller argues that the District Court erred in dismissing her complaint so early because that prevented factual development. Miller also argues that the District Court erred in not permitting her to amend her complaint a fourth time. To survive dismissal, "a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal,* 556 U.S. 662, 678 (2009) (internal quotations omitted). As we have described above, the District Court did not err in dismissing her complaint. And further amendment would have been futile. *See Grayson v. Mayview State Hosp.*, 293 F.3d 103, 108 (3d Cir. 2002).

[3] Miller notes generally that she seeks review of interlocutory orders, but only specifically names this one. We review only the District Court's final order and its order on Miller's motion for recusal. *See Barna v. Bd. of Sch. Dirs. of Panther Valley Sch. Dist.*, 877 F.3d 136, 145–46 (3d Cir. 2017) (noting that "we have consistently refused to consider ill-developed arguments or those not properly raised and discussed in the appellate briefing"). Likewise, Miller alleges that the District Court did not accept her allegations as true and omitted key allegations. Miller does not provide any support for this assertion. *See id.* We do not review this conclusory argument for similar reasons. *See Barna*, 877 F.3d 145–46.

have recused himself from this case. *See Securacomm Consulting, Inc. v. Securacom Inc.*, 224 F.3d 273, 278 (3d Cir. 2000) (unfavorable rulings, without more, are an insufficient basis for recusal).

Accordingly, we will affirm the judgment of the District Court.[4]

[4] To the extent that Miller renews her motion for appointment of counsel, we deny it.