

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1643

PAUL PIECZYNSKI,
Appellant

v.

BRIAN SZUMSKI, Sheriff of Luzerne County in his official capacity

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Civil Action No. 3:25-cv-01433)
District Judge: Honorable Robert D. Mariani

Submitted Pursuant to Third Circuit LAR 34.1(a)
September 15, 2026

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

(Opinion filed: September 15, 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.

Paul Pieczynski appeals *pro se* from the District Court’s order dismissing his complaint. We will affirm.

In February 2013, Pieczynski defaulted on a mortgage he had executed with Wachovia Bank for a property in Wyoming, Pennsylvania. Wells Fargo Bank—Wachovia’s successor by merger—sought foreclosure of the property by filing a complaint in the Court of Common Pleas of Luzerne County, which entered judgment *in rem* in Wells Fargo’s favor in October 2015. Pieczynski appealed to the Superior and Supreme Courts of Pennsylvania without success, *see Wells Fargo Bank, N.A. v. Pieczynski*, No. 1879 MDA 2015, 2016 WL 4709060 (Pa. Super. Ct. June 24, 2016), *allocatur denied*, No. 498 MAL 2016, 162 A.3d 1114 (Pa. Nov. 29, 2016) (per curiam order), and his home was sold at a sheriff’s sale in 2016. He then filed an emergency motion in the United States District Court for the Middle District of Pennsylvania to vacate the final judgment and sheriff’s sale due to fraud, but that court dismissed his action for lack of subject-matter jurisdiction pursuant to the *Rooker-Feldman* doctrine. *See Pieczynski v. Wells Fargo Bank N.A.*, No. 3:16-MC-339, 2017 WL 779938, at *3 (M.D. Pa. Feb. 28, 2017). Pieczynski did not appeal. He was ejected from the property in 2019.

A half-decade later, in August 2025, Pieczynski commenced another federal lawsuit to secure the return of his property, this time against the sheriff of Luzerne County. Pieczynski asserted that he possesses an 1812 land patent conveying title to the

property, which he claims he perfected and recorded in 2015, a year before the sheriff's sale. He sought equitable relief in the form of an order declaring his ejectment void ab initio, restoring his possession, and enjoining future actions. A United States Magistrate Judge recommended granting defendants' motion to dismiss on three independent grounds. "[T]o the extent that Pieczynski attempts to proceed to federal court, advancing claims which necessarily invite us to review, re-examine and reject these state court rulings," the Magistrate Judge determined that his claims were barred by the *Rooker-Feldman* doctrine; claim or issue preclusion and laches further barred his claims. The District Court adopted the recommendation in full and dismissed the matter with prejudice over Pieczynski's objections. He appeals.¹

Pieczynski argues at some length that the *Rooker-Feldman* doctrine does not apply because his "claimed injury arises not from the 2015 foreclosure judgment, but from later, discrete events." C.A. Doc. 10 at 8. But to the extent that some aspects of his complaint are not covered by *Rooker-Feldman*, Pieczynski fails to mention, let alone challenge, the dismissal of his complaint on laches grounds in his opening brief to this Court, thereby forfeiting any argument he might have raised in that regard. *See Barna v. Bd. of Sch. Dirs. of Panther Valley Sch. Dist.*, 877 F.3d 136, 145-48 (3d Cir. 2017); *LabMD Inc. v. Boback*, 47 F.4th 164, 191 (3d Cir. 2022) ("The failure to challenge an

¹ We have jurisdiction under 28 U.S.C. § 1291. We review the dismissal of a complaint under Rule 12(b)(6) *de novo*. *Schmidt v. Skolas*, 770 F.3d 241, 248 (3d Cir. 2014).

independent basis for a district court's decision is fatal to an appeal.”). Accordingly, we will affirm the judgment of the District Court on that basis.