NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

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No. 26-1735

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JOHN PAUL GOMEZ,
Appellant

v.

CITY OF PITTSBURGH; DEPUTY ANTHONY MORENO, in his individual and official capacities; DETECTIVE ANTHONY MORENO, in his individual and official capacities; DETECTIVE ALEX CASTANZO, in his individual and official capacities; OFFICER DOMINIC BERTAN, in his individual and official capacities; ALLEGHENY COUNTY

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On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civil Action No. 2:25-cv-00605)
District Judge: Honorable Cathy Bissoon

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Submitted Pursuant to Third Circuit L.A.R. 34.1(a)
on November 5, 2026

Before: KRAUSE, BIBAS, and NYGAARD, *Circuit Judges*

(Opinion filed: November 9, 2026)

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OPINION*

PER CURIAM

John Gomez appeals from an order dismissing his amended complaint under Fed. R. Civ. P. 12(b)(6). We will affirm.

I.

Gomez has been litigating matters related to his divorce and his children in Pennsylvania and Ohio courts for some 20 years. In 2024, he filed suit in the Southern District of Ohio raising claims based in part on (1) a temporary Protection From Abuse order ("PFA") he obtained in 2019 against his ex-wife in Allegheny County, Pennsylvania, and (2) charges that Ohio law enforcement personnel brought against his son, which he claimed interfered with his own parental rights. *See Gomez v. Ryan*, No. 2:23-cv-1058, 2024 WL 363142, at *1-2 (S.D. Oh. Jan. 31, 2024). The District Court resolved the case against Gomez on the pleadings, deemed him a vexatious litigant, and imposed filing restrictions. *See Gomez v. Ryan*, No. 2:23-cv-1058, 2024 WL 4233931, at *4-5 (S.D. Oh. Sept. 19, 2024). The Sixth Circuit affirmed. *See Gomez v. Ryan*, No. 24-3840, 2025 WL 4665777, at *5 (6th Cir. Dec. 2, 2025) (per curiam), *cert. denied*, No. 25-1258, 2026 WL 2976524 (U.S. Oct. 5, 2026).

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

This case is similar. Gomez filed suit under 42 U.S.C. § 1983 against four Pennsylvania law enforcement officers, the City of Pittsburgh, and Allegheny County. He later filed an amended complaint alleging two primary circumstances. First, Gomez alleged that an officer failed to notify him that his ex-wife was arrested in 2019 when trying to enter an Allegheny County courthouse with weapons. He claimed that the officer had a duty to notify him because he had a temporary PFA against his ex-wife and that, if he had known about her arrest, he could have used it to his benefit in family court. Second, Gomez alleged that officers illegally searched his now-adult son's Pittsburgh apartment in 2025, arrested his son, and charged him with crimes. Gomez claimed that officers took these and related actions to target him in retaliation for his litigation against officers in Ohio and because of his race and other characteristics.

On the basis of these allegations, Gomez asserted eight claims under federal and state law. Most defendants[1] filed motions to dismiss. The District Court granted those motions, determined that further amendment of Gomez's federal claims would be futile,

[1] Gomez named as defendants two separate individuals named Anthony Moreno, one a deputy and the other a retired detective. *Deputy* Moreno moved to dismiss the complaint, but *Detective* Moreno did not respond to the complaint and Gomez requested and obtained an entry of default against him. Gomez argues that the court erred in later dismissing his complaint without addressing this default, but the dismissal effectively lifted the default sua sponte and dismissed Gomez's claims against Detective Moreno for reasons the court gave as to the other defendants. We see no reversible error in that approach under the circumstances presented here. *See, e.g.*, Fed. R. Civ. P. 55(c) (authorizing district courts to set aside an entry of default).

and dismissed them with prejudice. The court also declined to exercise supplemental jurisdiction over Gomez's state-law claims. Gomez appeals.[2]

II.

The District Court (1) dismissed all of Gomez's federal claims for failure to state a plausible claim to relief on the merits, and (2) dismissed his federal claims regarding his ex-wife's 2019 arrest for the additional reason that they are barred by the statute of limitations. Gomez challenges both rulings. We need not address the second because we agree with the court on the first and will affirm on that basis. As discussed above, Gomez's claims are based on two primary allegations. Neither states any basis for relief, and Gomez raises nothing suggesting that he could do so by further amendment.

First, Gomez raises claims regarding an officer's failure to inform him that his ex-wife was arrested in 2019 when trying to enter the Allegheny County courthouse with weapons, which he claims he could have used to his benefit in family court. The District Court dismissed this claim because Gomez alleged nothing suggesting that the officer had a duty to inform him of the arrest, and we agree. The only source for this alleged duty that Gomez invoked in the District Court was a Pennsylvania statute requiring law enforcement agencies to notify a PFA plaintiff if a PFA defendant fails to relinquish a

[2] We have jurisdiction under 28 U.S.C. § 1291. "We exercise plenary review of a district court's grant of a motion to dismiss under Rule 12(b)(6). To survive a motion to dismiss under Rule 12(b)(6), a plaintiff must allege enough facts to state a claim to relief that is plausible on its face. A claim is facially plausible when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Lisenby v. Olympus Corp. of the Ams.*, 185 F.4th 384, 390 n.6 (3d Cir. 2026) (cleaned up).

firearm as required by a PFA. 23 Pa. Cons. Stat. § 6108(a)(7)(B). The District Court explained that this provision did not apply because, inter alia, the PFA did not require Gomez's ex-wife to relinquish firearms. Gomez does not challenge that ruling on appeal.

Instead, he now argues that the PFA statute does not "limit or define" defendants' duty to notify him, which he asserts arises under the Constitution. But he has not cited any authority for the existence of such a duty under these circumstances, and we are aware of none. And even if there were any support for Gomez's position that he had a constitutional right to notice of his ex-wife's arrest, the officer argues on appeal (as he did in the District Court) that he is entitled to qualified immunity because any such right was not clearly established. *See Rivera-Guadalupe v. City of Harrisburg*, 124 F.4th 295, 299 (3d Cir. 2024). Gomez has not disputed that argument, and we see no basis to do so.

Second, Gomez raises claims addressed to matters relating to his now-adult son's arrest and criminal charges. He acknowledges that he cannot assert claims based on alleged violations of his son's rights, but he insists that his claims are based on violations of *his own* rights. That is so, he argues, because he guaranteed the lease for his son's apartment and because officers mentioned him in his son's criminal complaint, listened in on calls between him and his son in prison, and (he believes) have followed him in unmarked vehicles. He further alleges that officers took these actions in retaliation for his Ohio litigation and because of his race. But we agree with the District Court that Gomez has alleged nothing plausibly suggesting that such is the case. Instead, he bases these claims largely on the kinds of conclusory assertions that are not credited at the pleading

stage. *See Morrow v. Balaski*, 719 F.3d 160, 165 (3d Cir. 2013). Gomez's claims suffer from other deficiencies as well.[3]

On a final note, Gomez states that he is challenging orders relating to case management that the District Court entered at ECF Nos. 20 and 57. Gomez appears to challenge these orders only because he believes that they reflect an assessment of his claims that is inconsistent with the Rule 12(b)(6) standard. That challenge lacks merit because the Rule 12(b)(6) dismissal of his complaint was correct. To the extent that Gomez challenges these orders on other grounds, his challenge lacks merit as partially explained in note 1, *supra*. We have reviewed all of Gomez's other arguments and conclude that they lack merit as well.

III.

For the foregoing reasons, we will affirm the judgment of the District Court.

[3] For example, Gomez claims that officers violated his own Fourth Amendment rights when they searched his son's apartment because he signed the lease as a guarantor and because he has stayed at the apartment "at times." But leaving aside the fact that officers conducted the search pursuant to a facially valid warrant, Gomez does not claim that he was present at the time, that he had the right to exclude anyone from the apartment, that he had any other possessory interest in the apartment, that he kept personal property at the apartment or had any interest in any of its contents, that officers searched any of his own property, or that the search otherwise had anything to do with him.