

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1741

KAEUN KIM,
Appellant

v.

ESSEX COUNTY PROSECUTORS OFFICE; JOSEPH GIORDANO, individually and
in his official capacity; MIRA OHM, individually and in her official capacity;
JOHN DOE PROSECUTORS 1-3, individually and in his official capacity;
PRUDENTIAL FINANCIAL INC; ROBERT BUHRMEISTER, individually and in his
official capacity; MICHAEL SACCENTO, individually and in his official capacity;
JOHN R. STRANGFELD, individually and in his official capacity;
CAROLINE FEENEY, individually and in her official capacity;
JOHN DOE DEFENDANTS 1-10

On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil Action No. 2:26-cv-03186)
District Judge: Honorable Susan D. Wigenton

Submitted for Possible Summary Action Pursuant to
Third Circuit LAR 27.4 and I.O.P. 10.6
August 13, 2026
Before: BIBAS, PHIPPS, and NYGAARD, *Circuit Judges*

(Opinion filed: August 20, 2026)

OPINION*

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

PER CURIAM

Appellant Kaeun Kim appeals from an order of the District Court denying his motion that seeking a temporary restraining order and a preliminary injunction. Upon review, we will dismiss the appeal in part for lack of jurisdiction, and, to the extent we have jurisdiction, summarily affirm the District Court's judgment. See 3d Cir. LAR 27.4; 3d Cir. I.O.P. 10.6 (providing that this Court may take summary action if the appeal fails to present a substantial question).

After he was terminated from Prudential Insurance Company of America, Kim was arrested and indicted in Essex County, New Jersey, for stalking employees of the company. In the underlying suit, Kim raises claims that stem from the ensuing criminal prosecution, which he alleges is ongoing. He provides a forensic expert's report, arguing that it proves that the State's primary evidence against him – "digital video evidence" – was fabricated. ECF Nos. 1 at 3; 1-2. Kim names as defendants the prosecutor's office and several of its prosecutors, and Prudential and several of its employees. He alleges claims for violations of his Fourteenth Amendment rights, malicious prosecution, and civil conspiracy pursuant to 42 U.S.C. §§ 1983, 1985. Kim also filed a motion which sought both a temporary restraining order (TRO) staying an upcoming pretrial conference until the motion was ruled on and a preliminary injunction staying "all Essex County proceedings" until his civil rights complaint is adjudicated. ECF No 5 at 10. By order entered March 30, 2026, the District Court denied the motion for injunctive relief. This timely appeal ensued.

We first address our jurisdiction over this appeal. Kim’s motion sought both a TRO and a preliminary injunction. The District Court did not distinguish between the two requests for relief; instead, it denied the motion outright after determining, *inter alia*, that Kim could not meet the standard for relief, which is essentially the same for both. *See* ECF No. 6 at 2-3; *see also PennMont Sec. v. Frucher*, 586 F.3d 242, 245 (3d Cir. 2009); *Tumey v. Mycroft AI, Inc.*, 27 F.4th 657, 665 (8th Cir. 2022). An order denying a request for a TRO is not immediately appealable, *see Hope v. Warden York Cnty. Prison*, 956 F.3d 156, 159 (3d Cir. 2020), while an order denying a request for a preliminary injunction is, *see* 28 U.S.C. § 1292(a)(1). Therefore, to the extent the District Court denied a TRO, we will dismiss the appeal for lack of jurisdiction. To the extent that it denied a preliminary injunction, we have jurisdiction and will summarily affirm because the appeal fails to present a substantial question.¹

The District Court did not abuse its discretion in denying a preliminary injunction. As it explained, it must abstain from enjoining Kim’s state criminal proceedings under the doctrine in *Younger v. Harris*, 401 U.S. 37, 45 (1971). That doctrine recognizes that “a federal court must not, save in exceptional and extremely limited circumstances,

¹ We do not have jurisdiction pursuant to 28 U.S.C. § 1291 because, although the District Court purported to address the complaint in the order and “closed” the case, it did not adjudicate the complaint. *See* ECF No. 6; *see Penn W. Assocs., Inc. v. Cohen*, 371 F.3d 118, 128 (3d Cir. 2004) (holding “that an order merely directing that a case be marked closed constitutes an administrative closing that has no legal consequence other than to remove that case from the district court’s active docket”). The scope of the appeal is therefore limited to the denial of the motion for injunctive relief. Accordingly, we do not address Kim’s argument about the timing of the District Court’s ruling on his recusal motion.

intervene by way of either injunction or declaration in an existing state criminal prosecution.” *Id.* at 56 (Stewart, J., concurring). We have recognized that *Younger* abstention is appropriate where “(1) there are ongoing state proceedings that are judicial in nature; (2) the state proceedings implicate important state interests; and (3) the state proceedings afford an adequate opportunity to raise the federal claims.” *Lui v. Comm’n, Adult Entm’t, De*, 369 F.3d 319, 326 (3d Cir. 2004). We agree with the District Court that all three prongs of that test were met here. Kim represents that he is defending a pending criminal action in state court; the prosecution implicates the State’s interest in enforcement of its criminal laws; and it is clear that Kim has had the opportunity to challenge evidence and raise his constitutional claims in pretrial motions.² Indeed, the District Court observed in its order denying the motion that Kim could raise his constitutional claims regarding the falsified evidence at a then-upcoming pre-trial conference, which was scheduled for April 2, 2026.

We also agree with the District Court that no exception to *Younger* applies here. *See Perez v. Ledesma*, 401 U.S. 82, 91 (1971) (recognizing that abstention is not proper under *Younger* “in cases of proven harassment or prosecutions undertaken by state officials in bad faith without hope of obtaining a valid conviction and perhaps in other extraordinary circumstances where irreparable injury can be shown”). Kim makes bald allegations about a vast conspiracy to prosecute him, and, although he challenges the

² *See, e.g., Kim v. USA, et al.*, D.D.C. Civ. No. 1:25-cv-00050, ECF No. 1-2 at 13 (filing a Certification in the New Jersey Superior Court, Criminal Division, challenging the surveillance video as an “[a]pparent [f]orgery”).

validity of the State’s evidence with alleged “scientific evidence” of his own, *see* ECF No. 5 at 4, he has not demonstrated that his prosecution amounts to harassment or bad faith. And he has not shown extraordinary circumstances suggesting that the state court is “incapable of fairly and fully adjudicating the federal issues before it,” including any challenges to the validity of the State’s evidence against him. *Kugler v. Helfant*, 421 U.S. 117, 124 (1975). Because Kim has not shown an extraordinary need for immediate federal injunctive relief, the motion for preliminary injunction was properly denied.

Based on the foregoing, we will summarily affirm the District Court’s judgment in part, *see* 3d Cir. L.A.R. 27.4; I.O.P. 10.6, and dismiss the appeal in part for lack of jurisdiction.³

³ We deny all of Kim’s pending motions. We note that no Panel had been assigned when he filed his “emergency” motions seeking “disqualification of the current designated appellate panel.” Appellant’s 6/1 & 6/8/26 Emergency Motions. And for the reasons discussed above, we decline to stay the state court proceedings. Finally, we find no basis in the record warranting the District Court judge’s recusal. *See Securacomm Consulting, Inc. v. Securacom Inc.*, 224 F.3d 273, 278 (3d Cir. 2000) (noting that this Court has “repeatedly stated that a party’s displeasure with legal rulings does not form an adequate basis for recusal”).