

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1852

GREEN MUNIYR TREVOR, Appellant

v.

PHILADELPHIA FAMILY COURT; ELIZABETH JACKSON;
MARGARET MURPHY;
HOLLY FORD;
LEANNE LITWIN;
JAMES WEKIE

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. No. 2:24-cv-00515)
District Judge: Honorable R. Barclay Surrick

Submitted Pursuant to Third Circuit LAR 34.1(a)
September 8, 2026
Before: CHAGARES, *Chief Judge*, HARDIMAN and FREEMAN, *Circuit Judges*
(Opinion filed September 22, 2026)

OPINION*

PER CURIAM

* This disposition is not an opinion of the full Court and pursuant to 3d Cir. I.O.P. 5.7 does not constitute binding precedent.

Green Muniyr Trevor appeals the District Court's order dismissing his complaint. For the reasons that follow, we will affirm the District Court's judgment.

The procedural history of these proceedings as well as Trevor's allegations are well-known to the parties and need not be described at length here. Briefly, Trevor filed a complaint in the District Court which he later amended. He alleged that the Philadelphia Family Court, several magistrates, and a hearing officer violated his rights. Defendants filed a motion to dismiss. The District Court granted the motion and dismissed the complaint with prejudice. It concluded that it was required to abstain from Trevor's claims for injunctive and declaratory relief and that the defendants had judicial immunity from his claims for money damages. Trevor filed a timely notice of appeal.

We have jurisdiction under 28 U.S.C. § 1291 and exercise de novo review over the District Court's order granting the motion to dismiss. *See Figueroa v. Blackburn*, 208 F.3d 435, 439 (3d Cir. 2000). In his brief and supplemental brief, Trevor raises several challenges to the District Court's decision.

First, he contends that he was entitled to have a jury decide the motion to dismiss. Litigants in civil cases, however, are only entitled to a jury when there are factual issues to be decided. *See In re Peterson*, 253 U.S. 300, 310 (1920) (explaining that "[n]o one is entitled in a civil case to trial by jury, unless and except so far as there are issues of fact to be determined"); *see also Messa v. Goord*, 652 F.3d 305, 310 (2d Cir. 2011) (noting that "[t]he Seventh Amendment does not promise a jury trial on all issues that might, as a practical matter, finally dispose of a case."). We agree with the District Court that there

were no such factual issues and that defendants were entitled to dismissal of his complaint as a matter of law.

Next, Trevor claims that the defendants are not entitled to judicial immunity because they were acting outside of their judicial duties and are incompetent. In his amended complaint, Trevor complained about the defendants' setting hearings, sending him letters, and demanding that he appear in court. These acts are not outside of their judicial duties. While he argues that incompetent government officials are not entitled to immunity, he cites cases involving *qualified* immunity. We agree with the District Court that the defendants were acting within their jurisdiction and were entitled to *absolute* judicial immunity. *See Stump v. Sparkman*, 435 U.S. 349, 356 (1978) (stating that "[a] judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority"); *Azubuko v. Royal*, 443 F.3d 302, 303 (3d Cir. 2006) (*per curiam*).

Finally, Trevor argues that the District Court erred in not allowing him to amend his complaint. He has not described any amended allegations that would overcome defendants' judicial immunity. The District Court did not abuse its discretion by denying him an opportunity to amend. *See Grayson v. Mayview State Hosp.*, 293 F.3d 103, 108 (3d Cir. 2002) (opportunity to amend not required if it would be futile).¹

For the above reasons, we will affirm the District Court's judgment.

¹ As Trevor disclaims requesting injunctive relief that would require the District Court to intervene in the state court proceedings, *see* Br. at 4, we need not address his challenge to the District Court's reliance on *Younger v. Harris*, 401 U.S. 37 (1971) (holding that federal courts should abstain from interfering with ongoing state court proceedings).