

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1916

SHANIYRA S. SCOTT,
Appellant

v.

VALERIE A. ARKOOSH, In her official capacity as Secretary of the Pennsylvania
Department of Human Services; CARL FELDMAN, In his official capacity as Director
of the Bureau of Policy at the Pennsylvania Department of Human Services

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Civil Action No. 2:25-cv-03687)
District Judge: Honorable John M. Younger

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

Before: MATEY, MONTGOMERY-REEVES, and NYGAARD, *Circuit Judges*

(Opinion filed October 20, 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.

Shaniyra Scott, proceeding pro se, appeals from the District Court’s order dismissing her 42 U.S.C. § 1983 complaint against officials of the Pennsylvania Department of Human Services (DHS) related to the processing of her public benefits applications. We will affirm the judgment of the District Court.

I.

Scott filed a complaint in District Court, which she later amended, seeking injunctive and declaratory relief against two high-ranking officials of the Pennsylvania DHS for allegedly violating her Fourteenth Amendment Due Process rights by categorizing her benefits application as a “renewal” rather than a new application, and for relying on third-party financial data in making a determination about her benefits. She also claims that she was denied proper notice and the opportunity to respond to the eligibility decision. Defendants filed a motion to dismiss her amended complaint. The District Court granted Defendants’ motion to dismiss, reasoning that Scott’s claims were barred by Eleventh Amendment immunity, and that the *Ex parte Young* exception to immunity did not apply. This timely appeal followed.

II.

We have jurisdiction pursuant to 28 U.S.C. § 1291, and we review a party’s entitlement to Eleventh Amendment immunity *de novo*. See *Maliandi v. Montclair State Univ.*, 845 F.3d 77, 82 (3d Cir. 2016).

III.

The District Court properly dismissed Scott’s complaint, because her claims are barred by the Eleventh Amendment, and the *Ex parte Young* exception to immunity does not apply. Under the Eleventh Amendment, private parties cannot bring a suit in federal court against a state or its agencies unless the state has explicitly waived its immunity, or Congress has validly abrogated it. *See Benn v. First Jud. Dist. of Pa.*, 426 F.3d 233, 238-39 (3d Cir. 2005). Because suits against state officials in their official capacity are treated as suits against the state, they are also barred by Eleventh Amendment immunity. *See Hafer v. Melo*, 502 U.S. 21, 25 (1991).

The two Pennsylvania DHS officials who Scott seeks to sue in their official capacities are entitled to Eleventh Amendment immunity because they are agents of the Commonwealth of Pennsylvania, which has not waived its immunity, and because Congress has not abrogated Pennsylvania’s immunity under § 1983. *See Betts v. New Castle Youth Dev. Ctr.*, 621 F.3d 249, 254-55, n.5 (3d Cir. 2010)¹; *Quern v. Jordan*, 440 U.S. 332, 345 (1979). Scott argues that the *Ex parte Young* exception to Eleventh Amendment immunity, which allows for a state official to be sued in his official capacity for injunctive or declaratory relief, applies here. *See Merritts v. Richards*, 62 F.4th 764, 771 (3d Cir. 2023); *Ex parte Young*, 209 U.S. 123, 155–56 (1908). The District Court

¹ Though the *Betts* opinion refers to the Pennsylvania “Department of Public Welfare” (or “DPW”) and not DHS, they are one and the same—the name of the department was changed. *See* 62 Pa. C.S.A. § 103; *St. Luke’s Health Network, Inc. v. Lancaster Gen. Hosp.*, 967 F.3d 295, 298 (3d Cir. 2020) (referring to “the Department of Human Services (formerly the Department of Public Welfare)”).

properly determined that this exception does not apply here, because Scott has failed to allege that there is an *ongoing* violation of federal law, or that the relief she seeks is prospective in nature. *See Merritts*, 62 F.4th at 772 (holding the *Ex parte Young* only applies in those situations).

Scott insists that she is not challenging DHS's denial of her benefits application; rather, she complains of the deficient procedures that DHS relied upon to reach its determination. Even so, DHS's alleged use of deficient procedures in the course of making an eligibility determination is not an ongoing violation. *See Merritts*, 62 F.4th at 772 (noting that "[t]he lingering effects of [a] discrete past action do not convert it into an ongoing violation" for *Ex parte Young* purposes). Scott argues that there is a risk that DHS will rely on deficient procedures to make future eligibility determinations for her; however, prospective relief is only available for a threatened injury that is "real and immediate, not conjectural or hypothetical." *City of Los Angeles v. Lyons*, 461 U.S. 95, 102 (1983) (internal quotation marks omitted). Her claim that improper procedures might be used against her again, at some unspecified time in the future, is too speculative to entitle Scott to prospective relief.

Accordingly, because the *Ex parte Young* exception does not apply, the District Court properly dismissed Scott's claims as being barred by Eleventh Amendment immunity. We will affirm the judgment of the District Court.