

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Marlon Turner v. Philadelphia County Domestic Relations, et al.

Turner · No. 2:25-cv-06930 · Decided March 9, 2026

SUMMARY

The United States District Court for the Eastern District of Pennsylvania granted Marlon Turner leave to proceed in forma pauperis but dismissed his 42 U.S.C. § 1983 action concerning child-support enforcement and wage garnishment. The court held that the Philadelphia and Cambria County Domestic Relations divisions are arms of Pennsylvania’s Unified Judicial System, are protected by Eleventh Amendment immunity, and are not persons subject to § 1983 liability. The court also concluded that Turner’s requested declaratory relief was improper and denied leave to amend as futile.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	R. Barclay Surrick
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	March 9, 2026
DOCKET	2:25-cv-06930
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a pro se civil-rights action under 42 U.S.C. § 1983 and sought leave to proceed in forma pauperis. The district court granted in forma pauperis status, screened the complaint under 28 U.S.C. § 1915(e)(2), and dismissed the complaint without leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court must dismiss an in forma pauperis complaint that is frivolous, fails to state a claim, or seeks damages from an immune defendant. The failure-to-state-a-claim inquiry uses the Rule 12(b)(6) standard: the complaint must contain sufficient factual matter, accepted as true, to state a plausible claim for relief. Pro se allegations are construed liberally, but conclusory allegations are insufficient.
PRECEDENTIAL VALUE	unpublished district-court memorandum; nonprecedential

PARTIES

Marlon Turner v. Philadelphia County Domestic Relations, Cambria County Domestic Relations

TOPICS

section 1983 eleventh amendment immunity procedural due process declaratory judgment civil procedure

PRACTICE AREAS

civil rights constitutional law family law civil procedure remedies

QUESTIONS PRESENTED

1. Whether Turner stated a claim under 42 U.S.C. § 1983 against Philadelphia County Domestic Relations and Cambria County Domestic Relations.
2. Whether the named Pennsylvania domestic-relations entities are arms of the Commonwealth entitled to Eleventh Amendment immunity and therefore not persons subject to § 1983 liability.
3. Whether Turner could obtain declaratory relief concerning alleged past constitutional violations.
4. Whether amendment should be permitted.

HOLDINGS

1. Philadelphia County Domestic Relations and Cambria County Domestic Relations, as divisions of Pennsylvania's unified judicial system and arms of the Commonwealth, are not persons subject to liability under § 1983 and share in the Commonwealth's Eleventh Amendment immunity.
2. Declaratory relief is unavailable where it would merely adjudicate past conduct or proclaim that one party is liable to another, without defining legal rights in anticipation of future conduct.
3. Leave to amend was properly denied because amendment would be futile.

KEY QUOTATIONS

“these divisions of the Pennsylvania courts are arms of the Commonwealth that share in the Commonwealth’s Eleventh Amendment immunity, and, as such, are not considered “persons” subject to liability under § 1983.” (Section III)

“Declaratory judgment is inappropriate solely to adjudicate past conduct” (Conclusion footnote 4)

FACTUAL BACKGROUND

Turner was subject to a child-support order issued by the Philadelphia Court of Common Pleas Family Division. He alleged that, while a hearing to modify or appeal the order was pending, defendants initiated wage garnishment without notice or lawful authority, causing him to lose his job and home and suffer financial and emotional harm. He also alleged that he had not been properly served in 2020 and therefore had previously lost an opportunity to be heard.

PROCEDURAL HISTORY

Turner alleged that Pennsylvania domestic-relations courts violated his due-process rights in connection with child-support proceedings and wage garnishment. The court granted his motion to proceed in forma pauperis and dismissed the action during statutory screening because the named domestic-relations entities were immune arms of the Commonwealth and were not persons subject to § 1983 liability. The court also concluded that amendment would be futile and separately rejected the requested declaratory relief as directed solely at past conduct.

DISPOSITION

dismissed

CASES CITED

- Harris v. Wetzel, 822 F. App'x 128, 130 (3d Cir. 2020) (per curiam)
- Tourscher v. McCullough, 184 F.3d 236, 240 (3d Cir. 1999)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Shorter v. United States, 12 F.4th 366, 374 (3d Cir. 2021)
- Fisher v. Hollingsworth, 115 F.4th 197 (3d Cir. 2024)
- Vogt v. Wetzel, 8 F.4th 182, 185 (3d Cir. 2021)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Will v. Mich. Dep't of State Police, 491 U.S. 58, 71 (1989)
- Karns v. Shanahan, 879 F.3d 504, 519 (3d Cir. 2018)
- Benn v. First Judicial Dist. of Pa., 426 F.3d 233, 241 (3d Cir. 2005)
- Parker v. Lehigh Cnty. Domestic Relation Ct., 621 F. App'x 125, 128 (3d Cir. 2015) (per curiam)
- Scheib v. Pennsylvania, 612 F. App'x 56, 59 (3d Cir. 2015) (per curiam)
- Cruz v. Phila. Fam. Ct., No. 25-6270, 2025 WL 3290065, at *1 (E.D. Pa. Nov. 25, 2025)
- Corliss v. O'Brien, 200 F. App'x 80, 84 (3d Cir. 2006) (per curiam)
- Andela v. Admin. Office of U.S. Courts, 569 F. App'x 80, 83 (3d Cir. 2014)
- Taggart v. Saltz, No. 20-3574, 2021 WL 1191628, at *2 (3d Cir. Mar. 30, 2021) (per curiam)
- Grayson v. Mayview State Hosp., 293 F.3d 103, 108 (3d Cir. 2002)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA MARLON TURNER,; Plaintiff,; v.: CIVL ACTION NO. 25-CV-6930 PHILADELPHIA COUNTY: DOMESTIC RELATIONS, et al.,; Defendants.: MEMORANDUM SURRICK, J. MARCH 9, 2026 Plaintiff Marlon Turner, a self-represented litigant, filed this civil rights action against “Philadelphia County Domestic Relations” and “Cambria County Domestic Relations,” raising claims related to child support proceedings involving Turner.

He also seeks leave to proceed in forma pauperis. For the following reasons, the Court will grant the motion to proceed in forma pauperis and dismiss Turner's Complaint. I. FACTUAL ALLEGATIONS¹ Turner alleges that he is subject to a child support order imposed by the Philadelphia Court of Common Pleas Family Division, referred to by Turner as the "Domestic Relations Court." (ECF No. 1 at 1.)

On June 23, 2025, Turner requested a hearing in that court to modify and appeal the support order. (Id. at 1, 3; ECF No. 1-1 at 6.)² A court hearing was scheduled for 1 The facts set forth in this Memorandum are taken from Turner's Complaint, which consists of a cover letter, two-page complaint, and attachments. (ECF Nos. 1, 1-1.)

The Court will consider the entire submission to constitute the Complaint, and adopts the pagination supplied by the CM/ECF docketing system. ² Because Turner submitted documents that contain sensitive personal information, the Clerk of Court will be directed to restrict access to ECF Nos. 1 and 1-1. Turner is reminded that "names of minor children must be modified or partially redacted" when submitting filings to the Court.

E.D. Pa. Local Civ. R. 5.1.3; see also Fed. R. Civ. P. 5.2(a). July 22, 2025. (ECF No. 1 at 3.) Turner asserts that "[d]espite [the] pending hearing, Defendants initiated wage garnishment [on] June 27, 2025 without notice or lawful authority." (Id.) He claims that the premature garnishment caused him to lose his job at FedEx and his home, and that he suffered homelessness and "financial/emotional damage." (Id. at 1, 4.)

In the cover letter to his Complaint, Turner states that he previously was not properly served at his correct residence in 2020 and lost an opportunity to be heard at that time. (Id. at 1.) In December 2025, Turner filed this civil action alleging a claim for the violation of his due process rights pursuant to 42 U.S.C. § 1983. (Id. at 4.) He seeks declaration that his rights have been violated, to have child support enforcement actions halted, and to recover monetary damages.

(Id. at 2, 4.) II. STANDARD OF REVIEW Since it appears that Turner is unable to pay the filing fees to commence this action, we will grant leave to proceed in forma pauperis. Under 28 U.S.C. § 1915(e)(2)(B), the court must screen the Complaint and dismiss it if it is frivolous, fails to state a claim for relief, or seeks damages from an immune defendant. Id. § 1915(e)(2)(B)(i)-(iii).

Whether a complaint fails to state a claim under § 1915(e)(2)(B)(ii) is governed by the same standard applicable to motions to dismiss under Federal Rule of Civil Procedure 12(b)(6). See *Harris v. Wetzel*, 822 F. App'x 128, 130 (3d Cir. 2020) (per curiam); see also *Tourscher v. McCullough*, 184 F.3d 236, 240 (3d Cir. 1999). A complaint states a claim if it contains "sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quotations omitted).

At this early stage of the litigation, we will accept the facts alleged in the pro se Complaint as true, draw all reasonable inferences in Turner's favor, and ask only whether the Complaint contains facts sufficient to state a plausible claim. See *Shorter v. United States*, 12 F.4th 366, 374 (3d Cir. 2021), abrogation on other grounds recognized by *Fisher v. Hollingsworth*, 115 F.4th 197 (3d Cir.

2024). Conclusory allegations do not suffice. *Iqbal*, 556 U.S. at 678. Turner is proceeding pro se; therefore, the Court will construe his allegations liberally. *Vogt v. Wetzel*, 8 F. 4th 182, 185 (3d Cir. 2021). III. DISCUSSION Turner brings his due process claim pursuant to 42 U.S.C. § 1983. "To state a claim under § 1983, a plaintiff must allege the violation of a right secured by the Constitution and laws of the United States, and must show that the alleged deprivation was committed by a person acting under color of state law." *West v. Atkins*, 487 U.S. 42, 48 (1988).

Turner's claim against the "Philadelphia County Domestic Relations" and "Cambria County Domestic Relations" cannot proceed because these divisions of the Pennsylvania courts are arms of the Commonwealth³ that share in the Commonwealth's Eleventh Amendment immunity, and, as such, are not considered "persons" subject to liability under § 1983. See *Will v. Mich. Dep't of State Police*, 491 U.S. 58, 71 (1989) (holding that "neither a State nor its officials acting in their official capacities are 'persons' under § 1983."); *Karns v. Shanahan*, 879 F.3d 504, 519 (3d Cir.

2018) (explaining that states or their governmental entities protected by Eleventh Amendment immunity do not qualify as "persons" under § 1983); *Benn v. First Judicial Dist. of Pa.*, 426 F.3d 233, 241 (3d Cir. 2005) (state courts in Pennsylvania share in the Commonwealth's Eleventh Amendment immunity); see also *Parker v. Lehigh Cnty. Domestic Relation Ct.*, 621 F. App'x 125, 128 (3d Cir.

2015) (per curiam) ("As [Eleventh Amendment] immunity extends to the component districts of Pennsylvania's unified judicial system, it shields the Family Court from.. ³ See *Scheib v. Pennsylvania*, 612 F. App'x 56, 59 (3d Cir. 2015) (per curiam) (noting that a Pennsylvania county court of common pleas is a Commonwealth entity).. suit."); *Cruz v. Phila Fam. Ct.*, No. 25-6270, 2025 WL 3290065, at *1 (E.D.

Pa. Nov. 25, 2025) ("[T]he Family Court, as part of Pennsylvania's Unified Judicial System, is an arm of the Commonwealth of Pennsylvania that may not be sued under § 1983 because it is not considered a 'person' for purposes of that provision, and because it shares in the Commonwealth's Eleventh Amendment immunity.").

Therefore, Turner has failed to state a claim against plausible defendants, and the action will be dismissed.⁴ IV. CONCLUSION For the foregoing reasons, the Court will grant the motion for in forma pauperis status and dismiss the Complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and (iii). Turner will not be granted leave to amend because amendment would be futile.

See *Grayson v. Mayview State Hosp.*, 293 F.3d 103, 108 (3d Cir. 2002). An appropriate dismissal Order shall be docketed separately. See Fed. R. Civ. P. 58(a). BY THE COURT: /s/ R. Barclay Surrick R. BARCLAY SURRICK, J. 4 In addition, Turner’s request for declaratory relief is improper because he asks Court to adjudicate past conduct. See *Corliss v. O’Brien*, 200 F. App’x 80, 84 (3d Cir.

2006) (per curiam) (“Declaratory judgment is inappropriate solely to adjudicate past conduct” and is also not “meant simply to proclaim that one party is liable to another.”); see also *Andela v. Admin. Office of U.S. Courts*, 569 F. App’x 80, 83 (3d Cir. 2014) (per curiam) (“Declaratory judgments are meant to define the legal rights and obligations of the parties in the anticipation of some future conduct.”).

A declaratory judgment is also not “meant simply to proclaim that one party is liable to another.” *Corliss*, 200 F. App’x at 84 (per curiam); see also *Taggart v. Saltz*, No. 20- 3574, 2021 WL 1191628, at *2 (3d Cir. Mar. 30, 2021) (per curiam) (“A declaratory judgment is available to define the legal rights of the parties, not to adjudicate past conduct where there is no threat of continuing harm.”).

Turner’s request for declaratory judgment is therefore dismissed.