

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Shepherd v. Armitage, et al.

Shepherd v. Armitage, No. 25-6328-KSM (E.D. Pa. Feb. 17, 2026) · No. No. 25-6328-KSM · Decided February 17, 2026

SUMMARY

The United States District Court for the Eastern District of Pennsylvania dismissed with prejudice Dwayne Leon Shepherd, Jr.'s civil rights action challenging his state criminal prosecution. The court held that the claims against a Pennsylvania magisterial district judge and a county clerk were barred by Eleventh Amendment immunity, dismissed the claims against the nonmoving clerk sua sponte as moot, and denied leave to amend as futile.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Karen S. Marston
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	February 17, 2026
DOCKET	No. 25-6328-KSM
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a civil rights action under 42 U.S.C. § 1983 and related theories challenging his state criminal prosecution. Judge Armitage and Clerk Albillar moved to dismiss. The court granted Judge Armitage's motion, dismissed the claims against both moving defendants with prejudice, and denied Clerk Albillar's motion as moot.
STANDARD OF REVIEW	On a Rule 12(b)(1) facial jurisdictional challenge, the court considers the complaint, documents referenced in it, and public records in the light most favorable to the nonmoving party. The court independently examined subject matter jurisdiction and considered Eleventh Amendment immunity sua sponte as to Clerk Albillar.
PRECEDENTIAL VALUE	Unknown
PARTIES	Dwayne Leon Shepherd, Jr. v. Judge Regina Armitage, Eileen Harnett Albillar, Jennifer Schorn

TOPICS

eleventh amendment immunity

subject matter jurisdiction

motions to dismiss

section 1983

injunctions

PRACTICE AREAS

civil rights

constitutional law

federal jurisdiction

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether the Eleventh Amendment deprived the federal court of jurisdiction over Shepherd's claims against a Pennsylvania magisterial district judge and county court clerk sued for conduct undertaken in their official capacities.
2. Whether the court could raise Eleventh Amendment immunity sua sponte as to a nonmoving defendant.
3. Whether Shepherd's request for an injunction voiding the magisterial district court prosecution was moot after that proceeding had closed.
4. Whether leave to amend should be denied as futile.

HOLDINGS

1. Claims against Judge Armitage and Clerk Albillar based on acts undertaken in their official capacities as officers of Pennsylvania's unified judicial system are barred by the Eleventh Amendment.
2. The court may consider Eleventh Amendment immunity sua sponte at the motion-to-dismiss stage as to a defendant who did not raise the defense.
3. Shepherd's request for an injunction voiding the magisterial district court prosecution was moot because that prosecution had closed and been transferred.
4. Leave to amend was properly denied because amendment would be futile in light of the immunity bar.

KEY QUOTATIONS

“But, as the Court finds that Judge Armitage and Clerk Albillar are immune from suit under the Eleventh Amendment, the Court will instead dismiss Shepherd’s suit with prejudice.”

“Thus, Shepherd’s claims are barred by the Eleventh Amendment and will be dismissed with prejudice as to Judge Armitage and Clerk Albillar.”

FACTUAL BACKGROUND

Shepherd was charged in Bucks County with simple assault, aggravated assault, abuse of care of a dependent person, endangering the welfare of children, and harassment. The prosecution was assigned to Judge Regina Armitage, and Shepherd alleged that Clerk Eileen Harnett Albillar acted as clerk in the criminal matter and misused his Social Security number and securities. Shepherd claimed that the prosecution was unlawful because no indictment had been filed and sought to void the charges and enjoin the state prosecution. The magisterial district court proceedings were completed and transferred to the Bucks County Court of Common Pleas before the federal court ruled.

PROCEDURAL HISTORY

Shepherd filed a pro se federal complaint based on his arrest and pending criminal prosecution in Bucks County, Pennsylvania. His state criminal case was initially before the Bucks County Magisterial District Court and was later transferred to the Bucks County Court of Common Pleas. Judge Armitage and Clerk Albillar moved to dismiss, while DA Schorn had not yet been properly served. The federal court dismissed the claims against Judge Armitage and Clerk Albillar with prejudice and denied Albillar's motion as moot.

DISPOSITION

dismissed

CASES CITED

- Schmidt v. Skolas, 770 F.3d 241, 249 (3d Cir. 2014)
- M & M Stone Co. v. Commonwealth, 388 F. App'x 156, 162 (3d Cir. 2010)
- Stump v. Sparkman, 435 U.S. 349, 355-56 (1978)
- Azubuko v. Royal, 443 F.3d 302, 303-04 (3d Cir. 2006)
- Waris v. Frick, No. 06cv5189, 2007 WL 954108, at *9 (E.D. Pa. Mar. 28, 2007)
- Blanciak v. Allegheny Ludlum Corp., 77 F.3d 690, 693 n.2 (3d Cir. 1996)
- Nesbit v. Gears Unlimited, Inc., 347 F.3d 72, 76-77 (3d Cir. 2003)
- Anderson v. Local 435 Union, 791 F. App'x 328, 332
- In re Kish, 212 B.R. 808, 814-15 (D.N.J. 1997)
- Williams v. Litton Loan Servicing, No. 16cv5301, 2018 WL 6600097, at *5 (D.N.J. Dec. 17, 2018)
- Orden v. Borough of Woodstown, 181 F. Supp. 3d 237, 243 (D.N.J. Dec. 11, 2015)
- Gould Elecs. Inc. v. United States, 220 F.3d 169, 176 (3d Cir. 2000)
- Myers v. Caliber Home Loans, Seterus, Inc., No. 19cv596, 2019 WL 4393377, at *3 (M.D. Pa. Sept. 13, 2019)
- Pennhurst State Sch. & Hosp. v. Halderman, 465 U.S. 89, 99-100 (1984)
- A.W. v. Jersey City Pub. Sch., 341 F.3d 234, 238 (3d Cir. 2003)
- Banks v. Court of Common Pleas FJD, 342 F. App'x 818, 820 (3d Cir. 2009)
- Arndt v. Bortner, No. 14cv1993, 2014 WL 5425423, at *2 (M.D. Pa. Oct. 22, 2014)
- Miller v. Little, No. 21cv01941, 2022 WL 2070282, at *2 (M.D. Pa. June 8, 2022)
- Peeples v. Citta, 501 F. App'x 109, 111 (3d Cir. 2012)
- Grayson v. Mayview State Hosp., 293 F.3d 103, 108, 110 (3d Cir. 2002)
- Coulter v. Unknown Probation Officer, 562 F. App'x 87, 89 n.2
- Shepherd v. Ferman, No. 25cv6105, 2025 WL 3706608, at *6 n.8 (E.D. Pa. Dec. 22, 2025)