

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Mario Macellari v. Jorge F. Coombs

Macellari · No. 1:25-cv-06780 · Decided February 11, 2026

SUMMARY

The United States District Court for the District of New Jersey grants Mario Macellari leave to proceed in forma pauperis but dismisses his complaint without prejudice under 28 U.S.C. § 1915(e)(2) (B). The court concludes that the claims against a state court judge arise from judicial acts protected by judicial immunity and lack sufficient factual support, while allowing Macellari thirty days to file an amended complaint.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Renée Marie Bumb
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	February 11, 2026
DOCKET	1:25-cv-06780
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff sought leave to proceed in forma pauperis and brought a civil-rights action against a sitting state-court judge. The district court granted in forma pauperis status, screened the complaint under 28 U.S.C. § 1915(e)(2)(B), dismissed the complaint without prejudice for failure to state a claim, and allowed plaintiff thirty days to file an amended complaint.
STANDARD OF REVIEW	On IFP screening under 28 U.S.C. § 1915(e)(2)(B), the court must dismiss a complaint that is frivolous or malicious or that fails to state a claim upon which relief can be granted. Pro se pleadings are read liberally, but a pro se plaintiff must still allege sufficient facts to support the claims.
PRECEDENTIAL VALUE	Unpublished district court memorandum order; nonprecedential

TOPICS

- civil procedure
- section 1983
- due process

PRACTICE AREAS

civil procedure

civil rights

constitutional law

federal courts

QUESTIONS PRESENTED

1. Whether Macellari established indigence sufficient to proceed in forma pauperis.
2. Whether the complaint stated a viable due-process claim against a state judge for actions taken while presiding over a pending criminal matter.
3. Whether the complaint was subject to dismissal under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim.

HOLDINGS

1. A litigant qualifies to proceed in forma pauperis when the financial information submitted demonstrates that he is unable to pay the court fees. Macellari established that he could not pay the fees, so the court granted his IFP application.
2. The complaint failed to state a claim because its allegations arose from the judge's official judicial duties, did not indicate that the judge acted in the complete absence of jurisdiction, and provided only conclusory support for the alleged due-process violation.
3. The court must dismiss an IFP complaint that is frivolous or malicious or that fails to state a claim upon which relief can be granted. Because Macellari's complaint failed to state a claim, the court dismissed it without prejudice under 28 U.S.C. § 1915(e)(2)(B).

KEY QUOTATIONS

“Under the doctrine of judicial immunity, “a judge is not immune from liability for nonjudicial actions, i.e., actions not taken in the judge’s judicial capacity” or “for actions, though judicial in nature, taken in the complete absence of all jurisdiction.””

“Accordingly, this Court dismisses Macellari’s Complaint without prejudice for failing to state a claim upon which relief can be granted.”

FACTUAL BACKGROUND

Macellari sued Judge Jorge F. Coombs based on alleged conduct while Coombs presided over Macellari's pending state criminal matter. Macellari alleged that the judge violated due process by remanding him into custody without fair bail and without honoring the presumption of innocence. The complaint identified no conduct outside the judge's official judicial duties or beyond the scope of his jurisdiction and supplied no factual support beyond conclusory allegations.

PROCEDURAL HISTORY

Macellari filed a complaint against Atlantic County Superior Court Judge Jorge F. Coombs concerning conduct allegedly occurring while Judge Coombs presided over Macellari's pending state criminal matter. Macellari also submitted an application to proceed in forma pauperis. The district court found that Macellari could not pay the

filing fees, granted IFP status, screened the complaint sua sponte, and dismissed it without prejudice while permitting amendment within thirty days.

DISPOSITION

dismissed

CASES CITED

- *Douris v. Newtown Borough, Inc.*, 207 F. App'x 242, 243 (3d Cir. 2006)
- *Hurst v. Shalk*, 659 F. App'x 133, 134 (3d Cir. 2016)
- *Walker v. People Express Airlines, Inc.*, 886 F.2d 598, 601 (3d Cir. 1989)
- *Freeman v. Edens*, 2007 WL 2406789, at *1 (D.N.J. Aug. 17, 2007)
- *Mala v. Crown Bay Marina, Inc.*, 704 F.3d 239, 245 (3d Cir. 2013)
- *Kirkland v. Dileo*, 581 F. App'x 111, 115 (3d Cir. 2014)
- *Mireles v. Waco*, 502 U.S. 9, 11-12 (1991)
- *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY CAMDEN VICINAGE MARIO MACELLARI, Plaintiff, Civil No. 25-6780 v. MEMORANDUM ORDER JORGE F. COOMBS, Defendant. RENÉE MARIE BUMB, Chief United States District Judge Pro se Plaintiff Mario Macellari asks this Court to allow him to proceed in forma pauperis (IFP) so he can sue Defendant Jorge F. Coombs, a sitting Atlantic County Superior Court Judge who apparently remanded Macellari to pretrial detention.

28 U.S.C. § 1915 allows federal courts to waive the prepayment of court fees if the litigant “is unable to pay such fees.” 28 U.S.C. § 1915(a). Once a court grants an IFP application, § 1915 requires the Court to screen the litigant’s complaint to ensure, among other things, it states a claim and that the lawsuit is not frivolous or malicious. *Id.* § 1915(e)(2)(B).

Third Circuit courts only grant leave to proceed IFP “based on a showing of indigence.” *Douris v. Newtown Borough, Inc.*, 207 F. App’x 242, 243 (3d Cir. 2006). While IFP status is not reserved solely for the “absolutely destitute[,]” the litigant “must establish that he is unable to pay the costs of his suit.” *Hurst v. Shalk*, 659 F. App’x 133, 134 (3d Cir. 2016) (quoting *Walker v. People Express Airlines, Inc.*, 886 F.2d 598, 601 (3d Cir.

1989)). The litigant seeking IFP status shoulders the burden “to provide the [Court] with the financial information it need[s] to make a determination as to whether he qualifie[s] for [IFP] status.” *Freeman v. Edens*, 2007 WL 2406789, at *1 (D.N.J. Aug. 17, 2007) (first, second, and third alterations in original) (citation and internal quotation marks omitted).

Here, after considering Macellari's Affidavit of Poverty and Account Certification, and the accompanying Offender Management System account record, the Court finds that he cannot pay the court fees. [Docket No. 1-1.]

Thus, the Court grants his IFP application. Still, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)-(ii), the Court screens Macellari's Complaint to ensure he states a claim for relief and that his lawsuit is not "frivolous or malicious." Macellari's pro se status does not relieve him of his obligation to allege enough facts in the Complaint to support these claims.

Mala v. Crown Bay Marina, Inc., 704 F.3d 239, 245 (3d Cir. 2013). In his Complaint, Macellari appears to raise claims against Judge Coombs stemming from his alleged conduct while presiding over his pending state criminal matter. [Compl. at 6.] He claims that Judge Coombs violated his Due Process rights by remanding him into custody without "fair bail" of the "presumption of innocen[ce]." [Id.]

Under the doctrine of judicial immunity, "a judge is not immune from liability for nonjudicial actions, i.e., actions not taken in the judge's judicial capacity" or "for actions, though judicial in nature, taken in the complete absence of all jurisdiction." *Kirkland v. Dileo*, 581 F. App'x 111, 115 (3d Cir. 2014) (quoting *Mireles v. Waco*, 502 U.S. 9, 11-12 (1991) (superseded on other grounds)).

After liberally reading Macellari's Complaint, see *Erickson v. Pardus*, 551 U.S. 89, 94 (2007), the Court is unable to glean any allegations against Judge Coombs that do not stem from his official duties or indicate he acted beyond the scope of his jurisdiction.

Moreover, Macellari has failed to provide any factual support for his Due Process claim beyond his conclusory statement. [Compl. at 6.] Accordingly, this Court dismisses Macellari's Complaint without prejudice for failing to state a claim upon which relief can be granted. 28 U.S.C. § 1915(e)(2)(B).

For the above reasons, and for other good cause shown, IT IS on this 11th day of February 2026, hereby: ORDERED that the Court GRANTS Plaintiff's IFP application; and it is further ORDERED that Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE [Docket No. 1]; and it is further ORDERED that Plaintiff may have the above-entitled case reopened, if, within thirty days of the date of the entry of this Memorandum Order, Plaintiff files an amended Complaint; and it is further ORDERED that Defendant shall not be served before the Court's sua sponte screen of an amended Complaint; and it is further ORDERED that the Clerk of the Court shall serve a copy of this Memorandum Order on Plaintiff to his address of record by regular U.S. mail; and it is finally ORDERED that the Clerk of the Court shall CLOSE this matter. s/Renée Marie Bumb RENÉE MARIE BUMB Chief United States District Judge

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