

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PHILIP EMIABATA, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 24-567 (JLH)
)	
BRENDAN LINEHAN SHANNON,)	
)	
Defendant.)	

MEMORANDUM ORDER

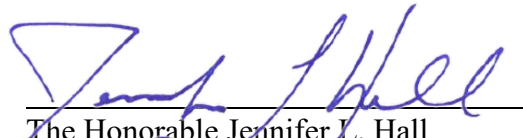
Plaintiffs Philip and Sylvia Emiabata filed a *pro se* complaint and motions for leave to proceed *in forma pauperis*. (D.I. 1-3.) The Court granted leave to proceed *in forma pauperis*. (D.I. 5.) Accordingly, the complaint is subject to this Court’s *sua sponte* review and dismissal upon a determination that the pleading is frivolous or malicious, fails to state a claim, or seeks monetary relief from defendants who are immune from such relief. *See* 28 U.S.C. § 1915(e)(2)(B). At this early stage of the case, this Court accepts the facts alleged in Plaintiffs’ *pro se* complaint as true, draws all reasonable inferences in their favor, and asks only whether the complaint, liberally construed, contains facts sufficient to state a plausible claim. *See Shorter v. United States*, 12 F.4th 366, 374 (3d Cir. 2021).

The sole named defendant is a bankruptcy judge in this district, and all of Plaintiffs’ claims arise from judicial actions taken in a bankruptcy proceeding. The complaint reflects that Plaintiffs are dissatisfied with the judicial handling and outcome of their bankruptcy case. (*See, e.g., id.* at 7, 10-12, 16-20.) Yet a “judicial officer in the performance of his duties has absolute immunity from suit and will not be liable for his judicial acts.” *Capogrosso v. Supreme Court of New Jersey*, 588 F.3d 180, 184 (3d Cir. 2009). The complaint will be dismissed, pursuant to 28 U.S.C.

§ 1915(e)(2)(B)(iii), because Defendant is immune from suit. Dismissal shall be with prejudice because amendment is futile.

NOW, THEREFORE, at Wilmington, on this 7th day of July 2025, IT IS HEREBY ORDERED that the complaint (D.I. 3) is DISMISSED with prejudice.

IT IS FURTHER ORDERED that the Clerk of Court is directed to CLOSE this case.



The Honorable Jennifer L. Hall
United States District Judge