

IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR EXTENSION OF TIME TO FILE

PETITION FOR CERTIORARI

Directed to JUSTICE SAMUEL ALITO

as the Circuit Justice for the Third Circuit Court of Appeals

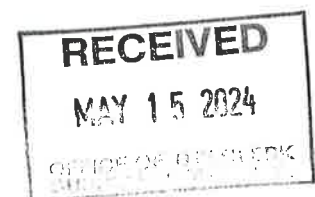
(re.: appeal No. 23-2222in the Third Circuit)

NOW COMES, JEAN COULTER, Petitioner, asking that Justice Alito grant a Two (2) Month extension of time for Jean Coulter, Pro Se Petitioner to file Petition for Writ of Certiorari to the United States Supreme Court :

In support of this request, Jean Coulter states :

1.) **This matter concerns two important Issues for The Supreme Court's consideration as it raises both significant concerns related to the "integrity" of the entire Third Circuit of Appeals and in the process, and also proves that there exists a complete lack of meaningful enforcement mechanisms for the Code of Conduct for Federal Judges (in both the District and Circuits as well as in the United States Supreme Court)!**

Thus, it is because of the **blatant failures** by the Third Circuit to assure that knowledge of malfeasance and other "improprieties" are appropriately reported to disciplinary authorities, that Jean requires an Extension of Time to File Petition for Cert – as Jean is sending copies of the pertinent materials to both the House and Senate Judiciary Committees as well as all of the elected representatives for each of the states whose Federal Courts comprise the Third Circuit (specifically, the Elected Delegate from the U. S. Virgin Islands, and the Elected Representatives in the United States Senate and in the



United States House of Representatives for Pennsylvania, New Jersey and Delaware) – **so that those Elected Officials will have the opportunity to take the appropriate action to assure that the Third Circuit’s malfeasance is addressed by the appropriate methods in their respective districts.** (And because of the prior reporting of the Respondents Criminal Acts, by these elected officials, this will mean that Judge Alito’s Law Clerks will not be forced to make those reports to the disciplinary boards in Pennsylvania and in the federal courthouses as well).

So, an extension of time is required in order to lift the burden of reporting off the shoulders of those Law Clerks serving the Justices of the Supreme Court - as once my Petition for Certiorari reaches the desks of each of the U. S. Supreme Court Law Clerks, they will be required by their own Codes of Conduct to report the actual crimes by the members of the Third Circuit – and if/when that firestorm were to occur, all of the Clerks of the United States Supreme Court would drown in both the paperwork of reporting as well as the sea of questions being presented by the News Media.

Specifically of wide-spread impact and importance is the fact that the Third Circuit acting En Banc, has recently “rubber stamped” a clearly bogus decision by Judge Kearney in the District Court for the Eastern district of Pennsylvania - as that decision (which “erroneously” dismisses all claims against all Parties), exists for the exclusive purpose of protecting the reputations (and bank accounts) of the co-conspirators, which specifically include a U. S.

District Court Judge (Marilyn Horan) who sits on the bench in the U.S.

District Court for the Western District of Pennsylvania :

“... We dismiss Jean’s section 1983 conspiracy and due process claims against Judge Horan with prejudice. Jean alleges Judge Horan who resides in the same neighborhood as the Coulter family home also conspired to take the Coulter family home.¹⁶⁷ Jean contends Judge Horan wanted someone “better suited” than Jean to buy the home such as a “legally trained professional[] who also ‘happened’ to be ‘at least’ Christian, and preferably Catholic.”¹⁶⁸ Jean alleges Judge Horan placed a note on the door of the Coulter family home as some sort of signal to let Judge Yeager and his family know the “coast is clear” so they could enter the home on the day of the assisted break-in.¹⁶⁹ And Jean points to actions Judge Horan took as the “Administrative Judge” for the Butler County Court of Common Pleas in 2017 as evidence of her involvement in the conspiracy when she assigned Jean’s case to Judge Yeager so a “friendly” judge would hear her case.¹⁷⁰ Judge Horan argues the claims against her are barred by the doctrine of absolute judicial immunity.¹⁷¹ And any actions taken by Judge Horan outside of her judicial capacity fail to state a claim under section 1983.¹⁷²...”

2.) This matter also presents a particularly “difficult” set of facts, as those facts prove that the same United States District Judge (Marilyn Horan) was expected to act in a manner which could assist in their mutual goal of assuring that Christians (preferably with “legally trained minds”) could live in “Horan’s neighborhood” - so the co-conspirators purposefully delayed their filing until after Horan had been assigned the newly created role of “Administrative Judge” in the Butler County court :

“...Yeager goes out of his way each day to see the home) was not going to be available for purchase until after Jean’s death – Yeager and Jim conspired to delay the division of that portion of the Coulter’s Mother’s Estate, until such time as Yeager’s daughter (Stephanie Yeager Shaffer (“Stephanie”)) could move into the home that Yeager found/finds so “attractive”. (Second Complaint page 9)

and

“... The co-conspirators also recognized that they might not be able to convince President Judge Doerr to assign the case to YEAGER, as Doerr might want to hear the matter himself. However, it is obvious that rumors spread very quickly through the courthouse – and therefore, even before August 2017 it seems likely that the co-conspirators knew that they could be successful simply by delaying filing in Butler County until after the date when the Pennsylvania Supreme Court would name HORAN Administrative Judge for Butler County. In that way, HORAN would have the responsibility for assignment of cases (following the Pennsylvania Supreme Court’s issuance of a Private Letter of Counsel to Doerr ...” (Second Complaint pages 13 and 14)

and

“... 7.) So, the co-conspirators intentionally delayed the completion of the filing of the case, from August 24, 2017 (when the Philadelphia Court actually completed the transfer) until a date after HORAN would be named the Administrative Judge for the County Court. As shown by Docket entries, the filing fee had not been paid by JIM (as required by 231 Pa. Code § 1006(d))4(d)Transfer of Venue) :

... The costs ... shall be paid by the petitioner in the first instance ...”.

and that could be relied upon to result in a sufficient delay in assignment of the case to assure that HORAN would be named the Administrative Judge (which actually occurred on October 26, 2017). ...” (Second Complaint pages 14 – 15)

And, when Horan was still on the bench in the state court, Horan **purposefully assigned the case to Yeager** (as that case, which had been filed by Jean Coulter, relates to claims of Specific Performance of Jean’s purchase of Jim’s share of the home) - and thus, Horan was assuring that she was **assigning the case to the father and the father-in-law of the “couple” that Horan (for years, since even before Jean’s (and Jim’s) mother’s death) has hoped would someday move into Horan’s neighbor’s house (which is Jean’s Family Home).**

“ ... 6.) In fact, on a number of occasions, HORAN has actually approached JEAN, and tried to convince JEAN to sell the home to someone that better suited HORAN’s idea of an ideal neighborhood – which appears to be legally trained professionals who also “happen” to be “at least” Christian, and preferably Catholic. (In fact, this has happened frequently enough that JEAN chose to ignore HORAN’s “call-out” to JEAN in February 2020, as JEAN needed to catch a bus back to where she was staying. JEAN realized that stopping to speak with Horan would only entail another plea from HORAN for JEAN to sell to a friend or acquaintance of HORAN. ...” (Second Complaint page 14)

And, the actions by Horan’s co-conspirators Yeager, Jim and Attorney Ron Elliot are also are highlighted in the Second Complaint (page 24), proving their roles in the conspiracy along-side Horan :

“... 2.) In fact, the transcript even proves that YEAGER was hoping to convince JEAN that both her brother JIM (and RON) were indeed only interested in protecting JEAN’s Property Rights – and therefore, she should agree to sell.

3.) Even as it exists, the transcript proves that YEAGER was hoping to prove that JIM’s receipt (and even his cashing) of the Cashier’s Check for the full asking price was irrelevant - as YEAGER was under the false belief that JEAN had not responded to a written offer to sell. Specifically, what occurred was that YEAGER became visibly and significantly angry upon learning that the offer to sell had been made in writing! Somehow though, this portion of YEAGER’s comments are entirely lacking from the transcript. ...”

And, the role of the **Court Reporters** in the Conspiracy to violate Jean’s Due Process Rights is also evidenced by this same citation in the phrase “...Somehow though, this portion of YEAGER’s comments are entirely lacking from the transcript. ...”. In fact, on page 24, the Second Complaint also explains the extents to which Yeager was willing to go, to have his daughter live in Jean’s Family Home :

“... 8.) In fact, YEAGER has become so committed to assuring that JIM becomes sole-owner of the property (so that he will “sell” it to YEAGER (or STEPHANIE and/or SHAFFER)) – that YEAGER has even begun “developing” interesting legal principles. Among those “principles” is the one

that he used in Motions Court (on February 8, 2022 – just 6 days after JIM filed the Partition Action which contains the forged Deed. Jean had argued that the Deed was too obviously forged for it to even be considered as possibly legitimate. So, when JEAN ignored YEAGER's repeated suggestion that she find a Hand-Writing Expert then YEAGER "determined" that despite the obvious forgery, that BARBARA had "given up" her Rights to the Property – by failing to already have come (from her home in Texas) into court (in Butler), to object to the clearly bogus Deed that had never been seen by anyone other than the forgers until 6 days earlier, saying (on page 10 of the Official Transcript - beginning at line 1) :

"... THE COURT : Has she been declared incapacitated?

MR. ELLIOTT : I don't think that any court has done that.

THE COURT : Then she has the ability to determine what she wants to do - - if she signed that document and - -

MS. COULTER : The point is - -

THE COURT : If they're saying she signed the document and she doesn't object to that, then she's given up her interest in the property, and it's up to – in any event, it's up to a master to partition the property and say here. ..." (Exhibit C)

It seems abundantly clear that YEAGER did not/does not legitimately feel that there was any reason to believe what JIM or RON were saying, just as YEAGER clearly couldn't possibly have had any reason to believe anything that JEAN has claimed and argued was untruthful – as indeed, there was no possible justification for disbelieving both the USPS proof of delivery, or with statements made by the Bank Employee - especially as each of which could be independently verified with sworn testimony. ..."

3.) And, when the opportunity presented itself on January 2, 2022, Horan consciously **chose to lend the prestige of her position in the courts, to convince the local Emergency Services employees to assist in providing access directly to Jim Coulter (Jean's brother).** Horan accomplished her goal by willfully trespassing on property that had been notoriously been "posted" (and photographic evidence of the "sign war" was submitted to the lower courts and is again submitted at this time) - and then Horan placed two identical "Open Letters", one on the front door of Jean's Family Home, and one at the stairs to the side door

(which was the sight of the “assisted break-in”). It is obvious that **Horan’s actions were for the exclusive purpose of permitting those friends of the U. S. District Court Judge to be able to secretly enter the Family home alone and take a look around the home, without letting themselves be seen with attorney Jim Coulter (as to be seen with Jim would prove Judge Yeager’s conspiracy with Jim, as well as Yeager’s obvious bias and personal interest in the outcome of the case which Horan assigned to him).** As the state court case is still not yet complete, Horan’s friend (and his family) wanted to see the inside of the home, in order to assure that their initial love of the home (on the basis of what they could see only from the street) had not diminished!

4.) Horan accomplished her goal by simply **posting OPEN LETTERS on Jean’s Family Home, in a manner which assured that, at least one of those identical OPEN LETTERS could be seen even from cars passing by on the street.** Photos of one of the OPEN LETTERS (in the exact format which it existed on January 2, 2022) are attached to the Petition – and the same evidence was provided to both of the lower courts!

The letters were intended to support Jim’s (Jean’s brother’s) false claims that he had received calls from a number of neighbors who had not seen Jean for a lengthy period of time. However, the claims of multiple phone calls most certainly should have been shown to the Police, but they didn’t exist. So they could not be shown to the Police, and without Horan’s OPEN LETTERS, even the Police **might have refused to cooperate with the “assisted break-in” because Jim would have no**

basis for his supposed concern. So, Horan's OPEN LETTER, while it was "addressed" to Jean, those OPEN LETTERS were instead clearly produced exclusively for use should the Emergency Services personnel need "coaxing" before they would break in the door of the home (and agree to remain outside) so that Jim alone could enter, and so the OPEN LETTERS could be used when Jim could point to the letters if, by chance, he needed help in convincing the Emergency Services employees to leave the home completely unsecured (as they might be read in a manner which would display that a prominent member of the community (the U. S. District Court Judge) was, ostensibly, watching the happenings at Jean's Family Home).

5.) Of particular importance is the fact that the decision to leave the Family Home completely unsecured was required in order to assure that Horan's friends could enter without fear of Police Reports ever being produced as entry into the home would not even require turning a doorknob or opening a screen door! *(In case it isn't obvious enough already, the "assisted break-in" occurred at the direction of at least three legally trained minds, all of whom clearly understand This Courts' decisions which delineate the minimal requirements for charges of Breaking and Entering, etc. So, the co-conspirators made a point of assuring that Yeager's family did not even have to turn a doorknob or open a screen door!)*

6.) On February 28, 2024, The Third Circuit Court of Appeals denied Reconsideration of Jean's Coulter's appeal of the decision by District Court Kearney

(from the Eastern District of Pennsylvania), and thus, the Third Circuit eternally affirmed District Judge Kearney's decision which **dismissed all of Jean Coulter's claims including claims against District Judge Horan** (as well as those of all of Horan's (and Jim's and Yeager's) co-conspirators), on both the basis that Jean had not sufficiently stated claims of **Horan's involvement in the Criminal Conspiracy against Jean Coulter's Constitutionally Protected Rights to both Privacy and Due Process** - and that Horan is immune based **exclusively on Horan's Judicial Immunity.**

7.) It is important to understand that **Horan's acts in furtherance of the Conspiracy with Yeager and Jim, include both Horan's administrative acts** which occurred when Horan was still on the bench in the State Courts and **could, as the Administrative Judge, assign Jean's case to Yeager (so Yeager could "determine" that Jim had successfully triumphed over Jean's objections to the sale of the home to Yeager's daughter and her now husband) – as well as Horan's actions which were purportedly the actions of a concerned neighbor!**

Further, Horan's Defiant Trespass (with accompanying removal of one of the most prominently placed No Trespassing Sign) and **posting of the pair of OPEN LETTERS, occurred on Sunday morning February 2, 2022 – at the same time that Jim was standing outside of the Police Station, convincing one of the Officers to become part of their Conspiracy to Violate my Rights to Privacy and Due Process.** (And once the proposed buyers confirmed that seeing the inside of the home had not changed their minds) the Conspirators joint actions

also became a Conspiracy to Violate my Rights to Due Process in the State Courtroom assigned to Yeager (the proposed buyers' father/father-in-law).

8.) It should also be noted that Jean has attached, as an exhibit, the **Complaint of Judicial Misconduct by Judge Marilyn Horan**, that Jean had hoped would be filed against Horan – for Horan's involvement, under Color of Law, with the improprieties (and even crimes) which have occurred in the state court. And Jean has also attached that same exhibit to this Petition for Extension of Time to File Petition for Certiorari. It is important to note that, despite the fact that an already completed Complaint of Judicial Misconduct was placed in their hands – **apparently not even a single jurist from either the District Court or the Third Circuit Court of Appeals have taken any steps to have Horan sanctioned for what I believe are clearly criminal acts!**

9.) I have also filed the formal documentation for the the **Department of Justice** to initiate an investigation of U. S. District Court Judge Marilyn Horan's actions – as well as her co-conspirators, Pennsylvania Common Pleas Court Judge S. Michael Yeager, and attorney James P. Coulter ("Jim"). But other than receiving a highly delayed acknowledgement of their receipt of my briefly worded report (as the forms to do so severely restricts the length of the complaint) I only have my request for investigation, at "record number" 301946-PPW (which was filed in the last week of July 2023), and an acknowledgment of its receipt – as **it appears that the Justice Department has been similarly reluctant to act on complaints related to the Just Us System!**

Conclusion

Petitioner Jean Coulter again requests that This Honorable Court grant Jean's Request for an Extension of Time to File petition for Writ of Certiorari, for two months – as the Request is made in Good Faith because delaying the filing of Jean's Petition for Cert will permit both the Elected Officials (whose constituents are in the Third Circuit Court of Appeals) as well as the News Media, to take steps which will essentially permit This Honorable Court's "own" Law Clerks to use their valuable time to assist This Honorable Court in making thoughtful decisions in the cases before the Supreme Court – rather than those Law Clerks being required to make their mandated reports of malfeasance to the appropriate authorities!

Respectfully Submitted,



Jean Coulter, Pro Se Petitioner
412-616-9505
jeanecoulter@yahoo.com

Attachments :

Complaint of Judicial Misconduct – U. S. District Court Judge Marilyn Horan
Acknowledgement of receipt by Department of Justice of my "Report to the Civil Rights Division" record number 301946-PPW

Copies of both sides of one of the identical OPEN LETTERs which were placed on the door and stair of Jean's Family Home (in the plastic bag which was clearly intended to protect it from the elements so that it could also serve as a notice that the Coast is still clear)

Photos of "sign war" - posting the property as Private Property No Trespassing
Proof that no message was left to inform Jean that the Police were supposedly concerned about her well-being

cc: By electronic mail (email) - Counsel for Parties (at addresses used in 3rd Circuit)
By Mail and electronically -Senators and Members of the House of Representatives from Pennsylvania, New Jersey, Delaware, and the United States Virgin Islands and Members of the House and Senate Judiciary Committees
By Mail and electronically - Members of the News Media, including Print Journalists, Television, Radio and Internet

Sorry, we were unable to deliver your message to the following address.

<hogue@mhandl.com>:

550: 5.4.1 Recipient address rejected: Access denied. [CO1PEPF000044FC.ni

----- Forwarded message -----

My computer is having issues so I am sending the Petition at this time, and

- mlang@margolisedelstein.com
- mjones@jonespassodelis.com
- charrington@margolisedelstein.com
- brl@whc-pc.com
- relliott@dmkcg.com
- legaldpartment@pacourts.us
- jhogue@mhandl.com
- legaldpartment@pacourts.us
- mpotochny@margolisedelstein.com
- hogue@mhandl.com
- lkrofcheck@c-wlaw.com
- jay@smlawpa.com
- csaul@margolisedelstein.com
- blloyd@d-wlaw.com
- mpipak@jonespassodelis.com

1 File 18kB



COMPLAINT OF JUDICIAL MISCONDUCT

Background Information

Marilyn Horan and her husband (Joseph Caperosa) live in a home whose front door is only about 150' from the front door of the home which was owned by my mother until her death in 2004 - and has been owned by me (and one or more of my siblings) ever since our mother's death.

While the Caperosa/Horans are not among the neighbors which I would count as my "friends", we have certainly been "neighborly" – especially as we have been neighbors for more than 30 (or is it 40) years! And, as the location of the two homes is in the middle of a small town, we have reason to know a fair amount about each other's lives. For example, I am certain that the Caperosa/Horan family were aware of us taking our family pet "Gus" (who died in the mid-1980s) for walks around the neighborhood, just as I have frequently noticed one (or both) of the Caperosa/Horan family walking their dog up and down the sidewalk in front of "my" house (especially as the sidewalk (to the North of our homes) ends only a block and a half from their front door). And thus U. S. District Court Judge Horan would certainly be expected to have realized that I had moved to Butler specifically to care for my aging mother – and for at least the last 10 years or so (except during the pandemic years) every Spring I would arrive in Butler for a visit using the family home as my "base", and **every Fall, I return to my "real" home (at the New Jersey shore) during the "non-tourist months"**.

Still though, even before my mother's death in 2004, I have been subjected to what I can only describe is "badgering" by (U. S. District Court Judge) Marilyn Horan who insists on harassing me at every opportunity – hoping to convince me to sell our family home to a "couple" which Horan repeatedly stated that she "knows would be an asset to the neighborhood". In fact, the harassment has resulted in me choosing to ignore Horan's "call-outs" on more than one occasion, as even my clearly worded intention to retain ownership of the property has never had any effect on Horan's insistence that I should do sell to someone that she would prefer to have live in "her" neighborhood!

So, my pattern of living in Butler only during the "beach months" (late Spring through early Fall) continued **for more than a decade, with there never being any concern expressed by any of the neighbors during any of those prior (equally lengthy) absences!**

And, it appears that the "make-up" of "our" neighborhood (which surrounds the only Synagogue in Butler County) has become almost exclusively Catholic, apparently as the result of Horan's "recruiting" of "Horan's type of people" to replace the small enclave of Jews who have lived on North McKean since before the middle of the last century!

Specific acts by Judge Marilyn Horan which violate
the Code of Conduct for Federal Judges

Horan voluntarily “loans” the prestige of her position as U. S. District Court Judge to lend credibility and support to James P. Coulter’s requests that the Emergency Services break-down the door of the home and leave before checking on Jean’s Welfare(as it is obvious that none of the “complainants” were concerned in the slightest about Jean Coulter’s “well-being” – or even making any attempt to re-secure the property (as Horan wanted to encourage State Court Judge Yeager’s purchase of the property.

There is no conceivable legitimate reason for **Judge Horan to have chosen to attach an Open Letter to the front (and side) door(s) of my house on January 2, 2022 :**

A. Firstly, because Horan has/had in her files my contact information in her personal and official files – and obviously she chose not to use that information in any manner.

B. And Secondly, even if Judge Horan had forgotten about the contents of her own files, my contact information is readily available in a matter of seconds by merely searching with my first and last names along with the name of the location of the home (in Butler, PA).

C. Thirdly, Horan has been/had been “my” neighbor for three (or more) decades, and would most certainly have noticed that for more than a decade I’d not lived in the home (or anywhere else in Butler) during any of the Winter months– especially as our properties are only 100 feet apart -and Horan and/or her husband take their dog for walks past my property daily, at least!

So, it is inconceivable that Horan would have any legitimate reason to have expected to see me there in the Winter months.

D. Further, Horan has made it a habit of badgering me, to try to convince me to sell my home to a particular “couple” which Horan stated that she “knew would be an asset to the neighborhood”! And, it seems readily apparent that the one and only reason for Horan to have placed any note on my door – was to facilitate my brother’s (James P. Coulter) decision to assure that one particular couple (the daughter of Butler County Judge Yeager, whom Horan had willfully assigned my case (related to the ownership of the property) to – despite then State Court Judge Horan having full knowledge of Yeager’s personal interest in having his daughter live in my home).

E. But most egregiously though, Horan chose to leave an Open Letter, which while it was ostensibly intended to be read by me – was actually clearly intended instead to be read by members of the City's Emergency Services Department!

In fact, it is obvious that Marilyn Horan had decided to “lend the Prestige” of Horan's employment as a Federal District Court Judge to my brother (attorney James P. Coulter) and current State Court Judge S. Michael Yeager's plans to permit Yeager, his (40-something year old) daughter and Yeager's daughter's husband to return after dark, and wander alone inside my home – in furtherance of the on-going Color of Law Conspiracy to violate my Rights to Due Process in the matter which Horan had made certain was assigned to Yeager all those years earlier (when Horan was still part of the Pennsylvania Court System)!

It is completely unreasonable to believe that Horan had actually not intended for her Open Letter to be read by me alone – and most certainly Judge Horan, of all people, would be well aware that the mere existence of her Open Letter would serve as an Open Invitation for strangers off the street to wander through my home! But, the fact is, that Horan had

absolutely no concern about my well-being, and made no effort to remove the letters after they had served their original purpose – particularly as Yeager’s in-laws continued to go to the house, and try to enter even months after the Open Letters were removed!

I would like to remind this Court that the first “Highly Improper” act by Marilyn Horan occurred while she was sitting on the State’s Courts, but Horan’s decision to post an Open Letter on the front door of my property, occurred not quite two (2) years ago – well into Marilyn Horan’s “term” as a jurist in the U. S. District Court in the Western District of Pennsylvania!

Further, with the posting of the Open Letter on my property, Horan re-joined the Color of Law Conspiracy against my (Jean Coulter) Constitutional Right to Due Process! And, as such, Horan took another step in the violation of Due Process Rights, assuring also that my (Jean Coulter’s) Rights to Privacy as also violated as Yeager was anxious to see the interior of the property which he was going to assure would be owned by a member of his immediate family

Conclusion

So, on January 2, 2022, when **U. S. District Court Judge Marilyn Horan**, inexplicably, supposedly become so concerned about

my absence, that, Horan chose to leave an **“open letter”** (taped at eye level) on the front door of my home, with the typed side facing outward (on both copies of that open letter) – and it is clear that the letter was willfully placed in a location so that it could be seen even those driving by! So, Judge Horan chose to, willfully decided to **Defiantly Trespass on my property (which had been conspicuously been posted as such for several months)**. And, in conjunction with her trespass, then Horan chose to remove the signage – so that Horan could leave her “open letter”.. And this was not done in order to assure that I (Jean Coulter) was not in danger – but instead, Horan was knowingly placing me (Jean Coulter) in danger, as well as any/all of those strangers passing by, that supposedly Horan is/was aware that an old lady is expected to be living in the home, alone, and has not been seen or heard from for more than a month!

Again, I would like to stress that Horan chose to allow her “Open Letter” to continue to announce that the home was unoccupied – right up until the moment when I removed those letters on February 8, 2022 (as I’d never even been informed of either Horan’s “concerns” or Horan’s posting of those “Open Letters” – **along with Horan’s (or one of her co-conspirators) removal of my No Trespassing sign** which was clearly posted at the front of the property)!

It must also be noted that, I (as well as Judge Kearney) was expected to believe that apparently Horan also failed to speak to my brother (James P. Coulter) before posting either of those “open letters” as she would certainly know that he too has my email and cell phone

information (and should have been interested in utilizing it). So, despite the fact that apparently both Horan and my brother attended the same church service earlier that morning – and my brother is also aware of the scheduling of my visits – **supposedly neither Horan nor my brother felt it would be desirable to attempt to contact me before asking the Emergency Services to have them break into my house!**

It is even more astonishing that neither Horan nor my brother felt it would be important to inform me that they had convinced the city employees to “break down the door to my house” – not even after-the-fact! And even more noteworthy is the fact that neither of them ever made any attempt to assure that the home was ever re-secured, or even that Horan’s invitation to enter my “open-ed house” was ever removed!)

CONCLUSION

It seems readily apparent that Marilyn Horan’s actions not only violate the Code of Conduct for U. S. District Court Judges – but also that Judge Horan’s actions must be investigated by Federal Law Enforcement authorities as crimes under 18 U.S.C. Section 241 and 242 – Color of Law Violation of Rights and Color of Law Conspiracy Against Rights.

I hereby certify that, the statements made above are true and correct to the best of my knowledge, and the truthfulness is verified under penalty of perjury.

Jean Coulter
412-616-9505, jeanecoulter@yahoo.com

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 23-2222

JEAN COULTER,
Appellant

v.

JAMES P. COULTER; SUSAN VERO COULTER; KAREN VERO MORROW;
ROGER MORROW; SARA MORROW; BENJAMIN MORROW;
PAMELA VERO HAMMONDS; STEVEN HAMMONDS; MARY JOANNE VERO
ANDERSON; BRIAN ANDERSON; ABIGAIL ANDERSON; NICHOLAS
ANDERSON; SARA JANE SANZOTTI VERO; S. MICHAEL YEAGER; STEPHANIE
YEAGER SHAFFER; WILLIAM R. SHAFFER; NANCY NATALE; JOSEPH
CAPAROSA; LISA M. HYATT; BARBARA COULTER; JONATHAN W.
VALVANO; RONALD ELLIOTT; DILLON MCCANDLESS KING COULTER AND
GRAHAM; OFFICER HOWARD, of the Police of the City of Butler, PA;
BOB O'NEILL, Chief of Police of the City of Butler, PA; UNKNOWN OFFICER, of the
Bureau of Fire of the City of Butler, PA; UNKNOWN EMPLOYEES
of the Bureau of Fire of the City of Butler, PA; U.S. DISTRICT JUDGE
MARILYN HORAN; JAMES L. COULTER; JOSEPH C. COULTER

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civil Action No. 2:22-cv-01806)
District Judge: Honorable Mark A. Kearney

Submitted Pursuant to Third Circuit LAR 34.1(a)
January 10, 2024

Before: SHWARTZ, RESTREPO, and FREEMAN, Circuit Judges

(Opinion filed: January 16, 2024)

OPINION*

PER CURIAM

Jean Coulter, a frequent litigant, claimed a vast conspiracy amongst the defendants to deprive her of her rights. The defendants (her siblings and their families; her neighbors; lawyers, judges, and other court employees involved in state court proceedings relating to her mother's estate; and police and fire department employees who came to her house, seemingly to perform a welfare check), filed, in groups, motions to dismiss her amended complaint for lack of jurisdiction and failure to state a claim.

The District Court granted the motions. In a thorough 53-page opinion, the District Court explained that a small subset of Coulter's claims was outside its jurisdiction and that the rest of Coulter's allegations of violations of federal law failed to state any claim upon which relief can be granted. The District Court also stated that it was declining to exercise jurisdiction over any state law claims. Coulter moved for reconsideration and, claiming that the District Judge was biased, included a request to move her case out of the Third Circuit. The District Court denied the motion. Coulter appeals.¹

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

¹ Twenty-one of the appellees have filed a joint motion, requesting damages pursuant to Rule 38 of the Federal Rules of Appellate Procedure and a filing injunction against Coulter.

We have jurisdiction under 28 U.S.C. § 1291. We exercise plenary review over dismissals for lack of jurisdiction, Gould Elecs. Inc. v. United States, 220 F.3d 169, 176 (3d Cir. 2000), and for failure to state a claim, Chavarriaga v. N.J. Dep't of Corr., 806 F.3d 210, 218 (3d Cir. 2015). Upon review, we will affirm, essentially for the reasons provided by the District Court.

Given the District Court's accurate recounting of the allegations in the amended complaint and its careful reasoning, we will simply summarize. To the extent that Coulter's allegations could be liberally construed to include a challenge to any state court judgment, the District Court lacked jurisdiction pursuant to the Rooker-Feldman doctrine. See Great W. Mining & Mineral Co. v. Fox Rothschild LLP, 615 F.3d 159, 166 (3d Cir. 2010) (describing the requirements for applying the Rooker-Feldman doctrine). And to the (large) extent that the complaint was not barred by the Rooker-Feldman doctrine, Coulter failed to state a claim upon which relief could be granted.

Coulter presented, inter alia, a claim for conspiracy under 42 U.S.C. § 1983. Generally, to state a claim under § 1983, a plaintiff must allege "that she was deprived of a federal constitutional or statutory right by a state actor," Kach v. Hose, 589 F.3d 626, 646 (3d Cir. 2009), and many of the defendants that Coulter described are not state actors. While a private actor can act "under color of state law" for purposes of § 1983 by participating in a joint conspiracy with state officials (for example, by acting with the help of, or in concert with, state actors), see Abbott v. Latshaw, 164 F.3d 141, 147-48 (3d Cir. 1998), Coulter did not plausibly plead such a conspiracy. See id. at 148 (describing as insufficient a complaint that "contains conclusory allegations of concerted action but is

devoid of facts actually reflecting joint action”). As for the state actors that Coulter named, many of the claims against them were barred by immunities.² See, e.g., Stump v. Sparkman, 435 U.S. 349, 355-57 (1978) (explaining that judges are not civilly liable for judicial acts); Pa. Fed’n of Sportsmen’s Clubs, Inc. v. Hess, 297 F.3d 310, 323 (3d Cir. 2002) (explaining that the Eleventh Amendment “render[s] states—and, by extension, state . . . officials when the state is the real party in interest—generally immune from suit by private parties in federal court”). And, in any event, Coulter failed to allege facts in her amended complaint sufficient to state a conspiracy claim because there was no suggestion, beyond speculation, that any of the defendants reached an agreement to deprive her of her right to due process or her rights under any other law.^{3 4} See Jutrowski

² The barred claims include the claims of due process violations for judicial acts that Coulter continues to challenge on appeal.

³ Accordingly, we need not reach Coulter’s argument, pressed on appeal, that the District Court erred in extending quasi-judicial immunity to two court reporter defendants based on the facts of this case. See Antoine v. Byers & Anderson, Inc., 508 U.S. 429, 436–37 (1993) (declining to extend the absolute immunity afforded to judges to court reporters because “court reporters do not exercise the kind of judgment that is protected by the doctrine of judicial immunity”); but see Green v. Marajo, 722 F.2d 1013, 1019 (2d Cir. 1983) (holding that a court reporter was entitled to qualified immunity for allegedly following a judge’s instruction to alter a transcript). We further note, however, that, to the extent that Coulter sought to bring an independent claim based on an allegedly missing portion of a transcript of a state court proceeding, she does “not have a constitutional right to a totally accurate transcript,” and the purported error in the transcript did not violate her constitutional rights under the facts of this case. Tedford v. Hepting, 990 F.2d 745, 747 (3d Cir. 1993)

⁴ To the extent that Coulter presented a claim under 42 U.S.C. § 1985(3), similar problems plagued her pleading, as the District Court explained. See also D.R. by L.R. v. Middle Bucks Area Vocational Tech. Sch., 972 F.2d 1364, 1377 (3d Cir. 1992) (stating that conclusory allegations are not sufficient to state a § 1985(3) claim).

v. Twp. of Riverdale, 904 F.3d 280, 293–95 (3d Cir. 2018); see also Young v. Kann, 926 F.2d 1396, 1405 n.16 (3d Cir. 1991) (explaining that conspiracy claims may not be based “merely upon . . . suspicion and speculation” and also stating that general allegations of conspiracy not based on facts are conclusions of law that are insufficient to state a claim).

We turn to Coulter’s remaining arguments on appeal, and we conclude that they are without merit. Among other things, she argues that she was entitled to relief on various state law claims. But the District Court did not abuse its discretion in declining to exercise jurisdiction over those claims once it had dismissed Coulter’s federal claims. See 28 U.S.C. § 1367(c)(3); Hedges v. Musco, 204 F.3d 109, 123-24 (3d Cir. 2000).

Coulter also argues at length that the District Judge was biased against her. However, her disagreement with the decisions in her case, see, e.g., Appellant’s Informal Brief at 14-15 (citing the dismissal of state actors “without valid reason” and “the *immediate dismissal of all claims*”), is insufficient to show bias. See Securacomm Consulting, Inc. v. Securacom Inc., 224 F.3d 273, 278 (3d Cir. 2000) (noting that “a party’s displeasure with legal rulings does not form an adequate basis for recusal”). And we discern no evidence of bias in the record.

Coulter also states that the District Court “refused to even consider” her request that her case be transferred out of the Third Circuit, Appellant’s Brief at 4, but that is not true. Although the District Court did not discuss Coulter’s argument in favor of transfer, the District Court denied her motion after explicitly considering her request ““to move case out of the Third Circuit.”” ECF No. 69 at 1 (quoting the language of Coulter’s motion). Coulter further argues that the District Court erred in denying that motion

because transfer was required because one of the defendants, Coulter's neighbor, is a District Judge in the United States District Court for the Western District of Pennsylvania. However, we disagree; no transfer out of this Circuit was (or is) required under the facts of this case.⁵ Cf. Azubuko v. Royal, 443 F.3d 302, 304 (3d Cir. 2006) (holding that the presiding federal judge did not have to recuse merely because the litigant had sued her among many other federal judges); United States v. Pryor, 960 F.2d 1, 3 (1st Cir. 1992) ("It cannot be that an automatic recusal can be obtained by the simple act of suing the judge."). To the extent that she requests that we effectuate the transfer, her request is denied.

For these reasons, we will affirm the District Court's judgment. The motion for Rule 38 damages and a filing injunction is denied. However, we caution Coulter that she could face the imposition of filing restrictions and/or other sanctions, including monetary penalties, in this Court if she brings repetitive and/or meritless challenges related to the proceedings in W.D. Pa. Civ. No. 2:22-cv-01806 or if she otherwise continues to pursue claims that were rejected in that action.

⁵ To the extent that Coulter also challenges the District Court's denial of her request for reconsideration in that same motion, we conclude that the District Court did not abuse its discretion in denying that request. See Max's Seafood Cafe by Lou-Ann, Inc. v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999).

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 23-2222

JEAN COULTER,
Appellant

v.

JAMES P. COULTER; SUSAN VERO COULTER; KAREN VERO MORROW;
ROGER MORROW; SARA MORROW; BENJAMIN MORROW;
PAMELA VERO HAMMONDS; STEVEN HAMMONDS; MARY JOANNE VERO
ANDERSON; BRIAN ANDERSON; ABIGAIL ANDERSON; NICHOLAS
ANDERSON; SARA JANE SANZOTTI VERO; S. MICHAEL YEAGER; STEPHANIE
YEAGER SHAFFER; WILLIAM R. SHAFFER; NANCY NATALE; JOSEPH
CAPAROSA; LISA M. HYATT; BARBARA COULTER; JONATHAN W.
VALVANO; RONALD ELLIOTT; DILLON MCCANDLESS KING COULTER AND
GRAHAM; OFFICER HOWARD, of the Police of the City of Butler, PA;
BOB O'NEILL, Chief of Police of the City of Butler, PA; UNKNOWN OFFICER, of the
Bureau of Fire of the City of Butler, PA; UNKNOWN EMPLOYEES
of the Bureau of Fire of the City of Butler, PA; U.S. DISTRICT JUDGE
MARILYN HORAN; JAMES L. COULTER; JOSEPH C. COULTER

(D.C. Civil Action No. 2:22-cv-01806)

SUR PETITION FOR REHEARING

Present: CHAGARES, Chief Judge, JORDAN, HARDIMAN, SHWARTZ, KRAUSE,
RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, MONTGOMERY-
REEVES, and CHUNG, Circuit Judges

The petition for rehearing filed by Appellant in the above-entitled case having
been submitted to the judges who participated in the decision of this Court and to all the
other available circuit judges of the circuit in regular active service, and no judge who

concurrent in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

BY THE COURT,

s/Patty Shwartz
Circuit Judge

Dated: February 28, 2024

Tmm/cc: Jean Elizabeth Coulter
Nicole A. Feigenbaum Esq.
Caitlin M. Harrington Esq.
Jon G. Hogue Esq.
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**Additional material
from this filing is
available in the
Clerk's Office.**