

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

September 23, 2026

Christopher M. Wolpert
Clerk of Court

JOSHUA JAMES HILL,

Plaintiff - Appellant,

v.

SALT LAKE COUNTY THIRD
DISTRICT COURT; ROBERT
QUINTIN HILL, Estate/Trusts of
Mary Coe Hill (DEC),

Defendants - Appellees.

No. 26-4095
(D.C. No. 2:25-CV-00919-DAK)
(D. Utah)

ORDER AND JUDGMENT*

Before **TYMKOVICH, PHILLIPS**, and **FEDERICO**, Circuit Judges.

Joshua James Hill, proceeding pro se, appeals the district court's dismissal without prejudice of his claims against his deceased grandparents' estate and Utah's Third District Court. Hill also filed a "Motion to Shorten Time," which we construe as a motion to expedite his appeal.

* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel. But it may be cited for its persuasive value, consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

Exercising jurisdiction under 28 U.S.C. § 1291, we affirm the district court's dismissal and deny Hill's motion as moot.

BACKGROUND

Proceeding in forma pauperis, Hill sued the Utah Third District Court and the "Estate/Trusts" of Robert Quintin Hill and Mary Coe Hill. According to the complaint, Hill is the "lone survivor of all 'Hill' estate and[/]or trust proceedings." R. at 7. Hill listed "at least" four trusts from 1977, 1983, 1985, and 1991. *Id.* He claimed that he never received "assets, monies, [or] health insurance plan benefits" from them. *Id.*

Under 42 U.S.C. § 1983, Hill alleged violations of the Sixth Amendment and due process. Though Hill sued his grandparents' estate and the Utah court, he directed his allegations at the latter. Hill asserted that the Utah court did not give him "estate/trust documents, wills, [or] bank [accounts]." *Id.* So Hill demanded that the Utah court provide those materials, plus some death certificates.

The federal district court referred Hill's complaint to a magistrate judge. *Hill v. Salt Lake Cnty. Third Dist. Ct.*, No. 2:25-CV-919-DAK-DAO, 2026 WL 1736209, at *1 (D. Utah June 16, 2026) (*Hill II*).¹ The magistrate judge observed that Hill alleged only the existence of an estate and four trusts and that he failed to identify misconduct on the estate's behalf. *Hill v. Salt Lake*

¹ The case caption is incorrectly labeled as "Salt Alke County" but has been corrected here.

Cnty. Third Dist. Ct., No. 2:25-cv-00919, 2026 WL 1738563, at *2 (D. Utah June 1, 2026) (*Hill I*). The magistrate judge also determined that the estate was a private party not subject to § 1983 suits. *See id.* (citing *Am. Mfrs. Mut. Ins. Co. v. Sullivan*, 526 U.S. 40, 50 (1999)). And the magistrate judge concluded that the Utah court was an arm of the state and thus immune from suits under the Eleventh Amendment. *See id.* at *3. So the magistrate judge recommended dismissing Hill’s claims. *Id.* Hill objected to the Report and Recommendation. The district court adopted the Report and Recommendation, dismissed the claims without prejudice, and entered judgment. *Hill II*, 2026 WL 1736209, at *1.

Hill timely appealed. He argues that the Utah court is a “lower court” not immune to suit under the Eleventh Amendment. Appellant’s Br. at 4. As for Hill’s claims about constitutional violations, his arguments are less clear. He contends that “due process prejudices occurred” and that the Sixth Amendment “always allows the U.S. federal government courts jurisdiction.” *Id.*

STANDARD OF REVIEW

When litigants proceed pro se, we construe their pleadings liberally and hold the pleadings “to a less stringent standard than formal pleadings drafted by lawyers.” *Greer v. Moon*, 83 F.4th 1283, 1292 (10th Cir. 2023) (quoting *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991)). Though “we do not act as [the litigant’s] advocate, if we ‘can reasonably read the [filings] to state a valid claim on which the [litigant] could prevail,’” we do so despite the litigant’s

“failure to cite proper legal authority,” “confusion of various legal theories,” or “unfamiliarity with pleading requirements.” *Id.* (quoting *Hall*, 935 F.2d at 1110).

The district court dismissed Hill’s complaint for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii), *see Hill I*, 2026 WL 1738563, at *1 n.4, a decision we review de novo, *see Kay v. Bemis*, 500 F.3d 1214, 1217 (10th Cir. 2007). “We apply the same standard of review for dismissals under § 1915(e)(2)(B)(ii) that we employ for Federal Rule of Civil Procedure 12(b)(6) motions to dismiss for failure to state a claim.” *Bemis*, 500 F.3d at 1217 (citation omitted). So the complaint must allege “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). We accept Hill’s well-pleaded factual allegations as true and view them in the light most favorable to him. *See Johnson v. Reyna*, 57 F.4th 769, 774 (10th Cir. 2023). But we do not accept his legal conclusions as true and reject “mere labels and conclusions.” *Burnett v. Mortg. Elec. Registration Sys., Inc.*, 706 F.3d 1231, 1235 (10th Cir. 2013) (quoting *Kan. Penn Gaming, LLC v. Collins*, 656 F.3d 1210, 1214 (10th Cir. 2011)) (citation modified).

DISCUSSION

I. Hill fails to allege a § 1983 claim against the estate.

To state a claim under § 1983, a plaintiff must allege (1) a deprivation of a federal right (2) by someone acting under color of state law. *See Gomez v. Toledo*, 446 U.S. 635, 640 (1980). The second element “excludes from its reach

‘merely private conduct.’” *Am. Mfrs. Mut. Ins. Co.*, 526 U.S. at 50 (quoting *Blum v. Yaretsky*, 457 U.S. 991, 1002 (1982)). But § 1983 may apply to private actors if the plaintiff shows that their conduct is “fairly attributable to the State.” *Wasatch Equal. v. Alta Ski Lifts Co.*, 820 F.3d 381, 387 (10th Cir. 2016) (quoting *Gallagher v. Neil Young Freedom Concert*, 49 F.3d 1442, 1447 (10th Cir. 1995)).

As to the first element, the complaint identifies four trusts, asserts that Hill is entitled to assets from them, and alleges violations of the Sixth Amendment and due process. *See* R. at 6–7. But these claims fail to plausibly show that the estate wronged Hill, let alone deprived him of a federal right. And we reject the complaint’s legal conclusions and Hill’s conclusory assertion on appeal that “due process prejudices occurred.” Appellant’s Br. at 4; *see Burnett*, 706 F.3d at 1235.

Further, though Hill alleges that the Utah court deprived him of benefits from the estate, he identifies no connection between that wrongdoing and the estate itself. *See* R. at 4–9. So under the second element, Hill cannot attribute the estate’s actions to the State of Utah. *See Wasatch*, 820 F.3d at 386–87. Because the complaint falls short of both requirements to plead a § 1983 claim, Hill’s allegations against the estate fail.

II. Sovereign immunity bars Hill’s claim against the Utah court.

“The Eleventh Amendment is a jurisdictional bar that precludes unconsented suits in federal court against a state and arms of the state.”

Peterson v. Martinez, 707 F.3d 1197, 1205 (10th Cir. 2013) (quoting *Wagoner Cnty. Rural Water Dist. No. 2 v. Grand River Dam Auth.*, 577 F.3d 1255, 1258 (10th Cir. 2009)). “‘As a general matter, state courts are considered arms of the state’ and are entitled to sovereign immunity.” *Collins v. Daniels*, 916 F.3d 1302, 1316 (10th Cir. 2019) (quoting 13 WRIGHT & MILLER’S FEDERAL PRACTICE & PROCEDURE § 3524.2 (3d ed. 2018)). A state may waive its sovereign immunity, or Congress may remove it. *Good v. Dep’t of Educ.*, 121 F.4th 772, 787 n.5 (10th Cir. 2024). But Utah has not waived its sovereign immunity. *See Sutton v. Utah State Sch. for the Deaf & Blind*, 173 F.3d 1226, 1233 (10th Cir. 1999). Nor has Congress taken away sovereign immunity for § 1983 suits. *See Quern v. Jordan*, 440 U.S. 332, 345 (1979).

Based on this guidance, sovereign immunity bars Hill’s § 1983 claim against Utah’s Third District Court. On appeal, Hill contends that sovereign immunity does not apply on the ground that the Utah court is a “lower court” and not a “state court.” Appellant’s Br. at 4. Hill fails to explain that distinction or how it overcomes our presumption that state courts enjoy sovereign immunity. *See Collins*, 916 F.3d at 1316. In fact, albeit in an unpublished opinion, we said that sovereign immunity protects the court that Hill sued. *See Anderson v. Herbert*, 745 F. App’x 63, 69 (10th Cir. 2018) (“[T]he Eighth and Third District Courts and the Utah Court of Appeals are arms of the state of Utah.” (citations omitted)).

CONCLUSION

In sum, the district court properly dismissed Hill's § 1983 claims for failure to state a claim. We affirm the district court's dismissal and deny as moot Hill's motion to expedite.

Entered for the Court

Gregory A. Phillips
Circuit Judge