

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-1843

JUAN SALAS SCOTT,
Appellant

v.

U.S. POSTAL SERVICE;
DEPARTMENT OF LABOR;
CONCENTRA

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Civil Action No. 1:24-cv-00572)
District Judge: Honorable Yvette Kane

Submitted Pursuant to Third Circuit LAR 34.1(a)
March 18, 2026
Before: HARDIMAN, FREEMAN, and ROTH, *Circuit Judges*

(Opinion filed: October 22, 2026)

OPINION*

PER CURIAM

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

Pro se Appellant Juan Salas Scott appeals the District Court’s dismissal of his fourth amended complaint. We will affirm.

Scott filed a complaint, and multiple amendments thereof, against the United States Postal Service (“USPS”) and others, in which he asserted claims arising from his employment with USPS. The defendants moved to dismiss the complaint for failure to state a claim. The District Court adopted the Magistrate Judge’s recommendation to dismiss Scott’s fourth amended complaint with prejudice. Scott timely appealed.¹

We have jurisdiction under 28 U.S.C. § 1291. We exercise plenary review over the District Court’s dismissal. *See St. Luke’s Health Network, Inc. v. Lancaster Gen. Hosp.*, 967 F.3d 295, 299 (3d Cir. 2020).

Because Scott is proceeding pro se, we liberally construe his filings. *See Haines v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam). But pro se litigants still must “abide by the same rules that apply to all other litigants.” *Mala v. Crown Bay Marina, Inc.*, 704 F.3d 239, 245 (3d Cir. 2013). To present an issue for review, a litigant’s opening brief must include, among other things, a statement of the issues, the legal argument explaining why the district court decided the issues incorrectly, and the facts and legal authorities supporting that argument. *See Fed. R. App. P. 28(a)*. Thus, an appellant’s failure to raise

¹ The same day that Scott filed his notice of appeal, he filed a motion to disqualify the Magistrate and District Court Judges. The District Court denied the motion. Scott filed a letter opposing the District Court’s order, which we construe as an additional notice of appeal. *See Powell v. Symons*, 680 F.3d 301, 306 n.2 (3d Cir. 2012) (“Notices of appeal, especially those filed pro se, are liberally construed[.]”).

an issue in the opening brief, even when proceeding pro se, renders it forfeited. *See Emerson v. Thiel Coll.*, 296 F.3d 184, 190 n.5 (3d Cir. 2002) (per curiam); *In re Wettach*, 811 F.3d 99, 115 (3d Cir. 2016).

Scott has raised only two issues on appeal. First, he vaguely claims that “[f]acts were incorrectly decided.” Ct. App. Dkt. No. 14 at 4. He does not specify the facts to which he is referring. *Cf.* Fed. R. App. P. 28(a)(8)(A) (explaining that an appellant’s “argument . . . must contain . . . [the] appellant’s contentions and the reasons for them, with citations to the authorities and parts of the record on which the appellant relies”); 3d Cir. L.A.R. 28.3(c) (“All assertions of fact in briefs must be supported by a specific reference to the record.”). Nevertheless, the Magistrate Judge’s analysis and reasons for recommending dismissal of Scott’s complaint, which the District Court adopted, were based entirely on the facts alleged in Scott’s operative complaint and the exhibits that he attached thereto. *Cf. St. Luke’s Health Network*, 967 F.3d at 299 (citation omitted) (explaining that, when deciding a motion to dismiss, a district court must take the complaint’s well-pleaded allegations as true); *City of Pittsburgh v. W. Penn Power Co.*, 147 F.3d 256, 259 (3d Cir. 1998) (explaining that, on a motion to dismiss, a court may consider documents attached to or referenced in the complaint).

Next, Scott states that the Magistrate Judge and District Court Judge were biased against him and violated the Judicial Code of Conduct. To the extent that Scott argues that the dismissal of his operative complaint was tainted by judicial bias or other ethical

violations, we reject this argument because it has no record support.² *See Arrowpoint Cap. Corp. v. Arrowpoint Asset Mgmt., LLC*, 793 F.3d 313, 330 (3d Cir. 2015) (explaining that “adverse rulings . . . are not in themselves proof of prejudice or bias”).

Accordingly, we will affirm the District Court’s judgment. To the extent that Scott seeks other relief on appeal, it is denied.

² Scott’s filings suggest that he believes that the Magistrate Judge recommended ruling in favor of the defendants because he complained about a delay in adjudicating his default judgment motion. He also appears to believe that both Judges conspired against him. There is no record evidence to support these beliefs. Further, we discern no abuse of discretion in the District Court’s denial of the motion for disqualification. *Cf. United States v. Martorano*, 866 F.2d 62, 68 (3d Cir. 1989) (explaining that a recusal motion must be based on “objective facts,” not mere “possibilities” and “unsubstantiated allegations”).