

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-3007

ABHIJIT BAGAL,
Appellant

v.

RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY; JONATHAN
HOLLOWAY, in his official capacity as the President of Rutgers; JEFFREY
ROBINSON, in his official capacity as the Chancellor of Rutgers; ENOBONG ANNA
BRANCH, in her official capacity as the Senior Vice President for Equity at Rutgers;
JACQUELINE S. MATTIS, in her official capacity as Dean of the School of Arts and
Sciences at Rutgers; LUCILLE FOSTER, in her official capacity as the Chair of the
Senate at Rutgers; CORINNE CASTRO, in her official capacity as Senior Director for
faculty diversity and institutional transformation at Rutgers; AUDREY TRUSCHKE, in
her official capacity as Professor of History and Asian Studies Director at Rutgers; JOHN
AND JANE DOES 1-100; ABC CORPS. 1-100

On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil Action No. 3:24-cv-11440)
District Judge: Honorable Zahid N. Quraishi

Submitted Pursuant to Third Circuit LAR 34.1(a)
April 10, 2026

Before: HARDIMAN, FREEMAN, and ROTH, *Circuit Judges*

(Opinion filed: October 14, 2026)

OPINION*

PER CURIAM

Abhijit Bagal appeals pro se from the District Court’s order dismissing his amended complaint for lack of standing. We will affirm.

Bagal’s complaint stemmed from an August 2024 report issued by a Rutgers University Task Force (the “Report”), which recommended that the university include “caste” as a protected category in Rutgers’ Policy on Discrimination and Harassment (the “Policy”). The Report defined caste as “an inherited and immutable social hierarchy with uneven power relations between groups,” and the Report explained that caste-based discrimination occurs across multiple religions in many communities worldwide. ECF No. 20-3 at 13. Rutgers did not adopt the Report’s recommendation and did not add caste to the Policy because Rutgers concluded that caste-based discrimination was already covered by the Policy’s prohibition of discrimination based on religion, ancestry, national origin, and race.

In September 2024, Bagal, a North Carolina resident, enrolled in a Rutgers online course. In December 2024, he filed a complaint and an amended complaint in the District Court against Rutgers and related defendants. Bagal alleged that the Report’s recommendation to include “caste” as a protected category was intended to discriminate

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

against Hindus. Although the Report’s recommendations were never adopted into the Policy, Bagal alleged that the Report has resulted in discrimination against Hindus and individuals of Indian and South Asian descent, and that the Report has inhibited Bagal from practicing his religious beliefs.

The defendants filed a motion to dismiss the complaint for lack of standing and for failure to state a claim. The District Court, construing the motion as raising a factual challenge to standing, concluded that Bagal lacked standing, granted the motion, and dismissed the complaint without prejudice and without leave to amend. This appeal ensued.

We have jurisdiction under 28 U.S.C. § 1291.¹ “Questions of law underlying a standing determination are reviewed de novo, while factual determinations are reviewed for clear error.” *Pub. Int. Legal Found. v. Sec’y Commonwealth of Pa.*, 136 F.4th 456, 461 (3d Cir. 2025); *see also Lewis v. Gov’t Emps. Ins. Co.*, 98 F.4th 452, 460 n.10 (3d Cir. 2024) (explaining that “[f]actual challenges contest standing based on the facts of the case, meaning the court may look beyond the pleadings to ascertain the facts”) (citation modified).

¹ “Generally, an order which dismisses a complaint without prejudice is neither final nor appealable because the deficiency may be corrected by the plaintiff without affecting the cause of action,” unless “the plaintiff cannot amend or declares his intention to stand on his complaint.” *Borelli v. City of Reading*, 532 F.2d 950, 951–52 (3d Cir. 1976) (per curiam). However, this principle does not apply where, as here, “the district court has dismissed based on justiciability and it appears that the plaintiff[] could do nothing to cure the[] complaint.” *Presbytery of N.J. of Orthodox Presbyterian Church v. Florio*, 40 F.3d 1454, 1461 n.6 (3d Cir. 1994).

To establish Article III standing, a plaintiff must establish: (1) he suffered a concrete, particularized, and actual or imminent injury, (2) that was likely caused by the defendants, and (3) would likely be redressable by a favorable judicial decision. *See TransUnion LLC v. Ramirez*, 594 U.S. 413, 423 (2021). Here, we agree with the District Court’s analysis and its conclusion that Bagal failed to establish such an injury. Among other deficiencies identified by the District Court, the fact that Rutgers did not amend its Policy and has not enforced the Report’s recommendations at all, let alone in any way that injured Bagal, is fatal to Bagal’s attempt to establish standing for each of his claims here.²

Specifically, Bagal’s alleged injury for his First Amendment free exercise claim is that he has been inhibited from practicing his religious beliefs. But he cannot establish standing “simply by claiming [he] experienced a ‘chilling effect’ that resulted from a governmental policy that does not regulate, constrain, or compel any action on [his] part.” *Clapper v. Amnesty Int’l USA*, 568 U.S. 398, 419 (2013). Because the Report has not been adopted into Policy, has not been enforced, and has not been discussed by the defendants in any of Bagal’s engagements with them,³ he also lacks standing for his Establishment Clause claim. *See Trump v. Hawaii*, 585 U.S. 667, 698 (2018) (explaining

² Bagal has forfeited any challenge to these determinations of the District Court. *See In re Wettach*, 811 F.3d 99, 115 (3d Cir. 2016) (stating that litigants forfeit claims that they fail to develop in an opening brief).

³ Bagal has also forfeited any arguments regarding unnamed individuals in his online class who allegedly made inquiries about Bagal’s religion and raised hypothetical questions about the issue of caste. *See Wettach*, 811 F.3d at 115.

that, under the Establishment Clause, a plaintiff must show that he was “directly affected by the laws and practices against which [his] complaints are directed”) (citation modified).

Bagal similarly lacks standing for his Equal Protection, Due Process, and remaining statutory discrimination claims, as the defendants have not taken any action against him personally, let alone taken such action in a way that caused him any particularized injury resulting from unequal treatment or a lack of due process. *See generally Doe ex rel. Doe v. Lower Merion Sch. Dist.*, 665 F.3d 524, 542 (3d Cir. 2011) (explaining that standing for an Equal Protection claim requires a showing that the plaintiff was “personally denied equal treatment”) (citation modified). Nor is Bagal’s abstract stigmatic injury from the mere existence of the Report sufficient to establish standing for any of his claims. *See Valley Forge Christian Coll. v. Ams. United for Separation of Church & State, Inc.*, 454 U.S. 464, 485 (1982).

Accordingly, we will affirm the District Court’s judgment.