

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-3193

GANIYU JAIYEOLA,
Appellant

v.

THE CHEMOURS COMPANY,
named as Chemours Company

On Appeal from the United States District Court
for the District of Delaware
(D.C. Civil Action No. 1:22-cv-01030)
District Judge: Jennifer L. Hall

Submitted Pursuant to Third Circuit LAR 34.1(a)
June 18, 2026
Before: KRAUSE, RESTREPO, and PORTER, *Circuit Judges*

(Opinion filed August 26, 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 Ganiyu Jaiyeola appeals from the District Court's judgment in his civil rights action. We will affirm.

I.

In his complaint, Jaiyeola alleged that Chemours denied him the position of Materials Engineer Consultant, for which he was qualified and for which he had virtually interviewed with two hiring managers, on the grounds of his race (African American) and national origin (Nigerian). Jaiyeola asserted three causes of action: (1) disparate treatment in violation of Title VII of the Civil Rights Act of 1964; (2) disparate treatment in violation of the Delaware Discrimination in Employment Act (DDEA); and (3) violation of the Due Process Clause of the Fourteenth Amendment.

The District Court granted Chemours's motion for summary judgment. Jaiyeola moved to vacate the order, which the District Court denied. Jaiyeola timely appealed.¹

II.

We have jurisdiction under 28 U.S.C. § 1291. We review the District Court's grant of defendant's motion for summary judgment de novo. *See Barefoot Architect, Inc. v. Bunge*, 632 F.3d 822, 826 (3d Cir. 2011). Summary judgment is proper when, viewing the evidence in the light most favorable to the nonmoving party, the court concludes that there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law. *See* Fed. R. Civ. P. 56(a); *Kaucher v. Cnty. of Bucks*, 455

¹ Since Jaiyeola filed his motion to vacate within 28 days of the summary-judgment order, the time to appeal the underlying order began to run when the District Court denied the motion to vacate. *See* Fed. R. App. P. 4(a)(4)(A)(vi).

F.3d 418, 422–23 (3d Cir. 2006). We review the District Court’s denial of plaintiff’s motion to vacate for abuse of discretion. *See Cox v. Horn*, 757 F.3d 113, 118 (3d Cir. 2014).

III.

We agree with the District Court’s analysis. The District Court appropriately disposed of plaintiff’s Fourteenth Amendment cause of action, as plaintiff has not shown that Chemours was a “state actor” for purposes of § 1983. *See Rendell-Baker v. Kohn*, 457 U.S. 830, 838-39 (1982).

Because Jaiyeola did not present direct evidence of discrimination, the District Court properly used the *McDonnell Douglas* burden-shifting analysis to analyze his claims under Title VII and the DDEA. *See McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802-05 (1973); *Riner v. Nat’l Cash Register*, 434 A.2d 375, 376 (Del. 1981); *see generally Harvey v. Bayhealth Med. Ctr., Inc.*, 715 F. Supp. 3d 594, 599-600 (D. Del. 2024).

Assuming, for purposes of this appeal, that Jaiyeola made a prima facie showing of discrimination, the burden shifted to defendant to provide a legitimate, non-discriminatory reason for not hiring him. *See McDonnell Douglas Corp.*, 411 U.S. at 802. As the District Court correctly concluded, defendant did so: the company provided evidence that Jaiyeola’s interview responses conveyed that he lacked the technical knowledge that was needed for the position. His answers further indicated he lacked the hands-on experience the role required, as his prior experiences were all in oversight roles. Some combination of these deficits proved to be the case with all candidates, and

Chemours ultimately removed the posting. This undisputed evidence discharged Chemours's burden. *See Glaesener v. Port Auth. of N.Y. & N.J.*, 121 F.4th 465, 467-68 (3d Cir. 2024) (“[P]oor interview performance is a legitimate, non-discriminatory reason for employment decisions.”).

The burden then rebounded to Jaiyeola to establish defendant's proffered reasons were a pretext for discrimination, and not the real reason for failing to hire him. *See Sarullo v. U.S. Postal Serv.*, 352 F.3d 789, 797 (3d Cir. 2003) (per curiam). Jaiyeola did not squarely address any of Chemours' proffered reasons. Instead, Jaiyeola pointed to what he calls “procedural irregularities” throughout his interview process, including (among other things) that one of the interviewers was late to his interview and didn't apologize; the interviewers didn't take notes during the interview; and he requested he be supplied with the interviewers' email addresses and was told that he would be, but was not.

While it is true that “disturbing procedural irregularities” can be evidence of pretext, *Fowler v. AT&T, Inc.*, 19 F.4th 292, 306 n.8 (3d Cir. 2021) (citation modified), no reasonable juror could reach that conclusion here. The irregularities that Jaiyeola has identified neither cast doubt on Chemours's stated reasons for not hiring him nor are they themselves suggestive of discrimination. *See Jiang v. City of Tulsa*, 169 F.4th 1194, 1201 (10th Cir. 2026) (explaining that “not all procedural irregularities show pretext”; “the irregularities must directly and uniquely disadvantage a minority . . . applicant” and “the factfinder must be able to infer that the employer didn't really believe the reasons it gave for hiring someone else” (citation modified)). As we have explained, “pretext is not

shown by evidence that the employer's decision was wrong or mistaken, since the factual dispute at issue is whether discriminatory animus motivated the employer, not whether the employer is wise, shrewd, prudent, or competent." *Kautz v. Met-Pro Corp.*, 412 F.3d 463, 467 (3d Cir. 2005) (citation modified). We agree with the District Court that Jaiyeola failed to present such evidence that "a reasonable factfinder could rationally find [Chemours's stated reason for its decision] unworthy of credence." *Fuentes v. Perskie*, 32 F.3d 759, 765 (3d Cir. 1994) (citation modified). Thus, the Court properly granted summary judgment to the defendant.

Nor did the District Court abuse its discretion in denying Jaiyeola's motion under Rule 60(b)(1). Pursuant to Rule 60(b)(1), "the court may relieve a party . . . from a final judgment, order, or proceeding for . . . mistake." In his motion, Jaiyeola reiterated his arguments that the District Court had rejected in granting summary judgment to Chemours. As we have just explained, however, the District Court did not err in granting summary judgment, and so there was no reason to vacate that judgment.

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