NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1166

KEVIN D. MARLOWE,
Appellant

v.

ISABELLA CASILLAS GUZMAN, SBA Administrator; LTG ROBERT SKINNER, USAF Disa Director; PATRICK JOSEPH TOOMEY, JR.

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Civil Action No. 1:22-cv-01003)
District Judge: Honorable Keli M. Neary

Submitted Pursuant to Third Circuit L.A.R. 34.1(a)
August 18, 2026

Before: KRAUSE, RESTREPO, and PORTER, *Circuit Judges*

(Opinion filed: August 19, 2026)

OPINION*

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

PER CURIAM

In 2022, pro se litigant Kevin Marlowe filed a complaint in the District Court against the Administrator of the Small Business Administration ("SBA"), the Director of the Defense Information Systems Agency ("DISA"), and United States Senator Patrick J. Toomey, Jr. The complaint revolved around Marlowe's claim that the SBA had wrongfully refused to forgive his loan. It appears that the SBA's decision was based on DISA's having debarred Marlowe for his 2005 federal conviction for various offenses stemming from his role in a defense-procurement-fraud scheme. Marlowe alleged, inter alia, that DISA had failed to provide information about the debarments, and that Senator Toomey had failed to sufficiently investigate the matter. In view of the complaint's allegations, Marlowe sought (1) forgiveness of his loan and the "return [of] all monies paid [with respect to that loan]," (2) removal of his debarments from DISA's website, (3) court costs, and (4) a letter from Senator Toomey "stating why he just tangentially supported [Marlowe]." Compl. 19.

In 2023, the District Court granted Senator Toomey's motion to dismiss, concluding that his dismissal was warranted for several reasons.[1] Meanwhile, the other two defendants "voluntarily addressed Marlowe's grievances," forgiving Marlowe's loan, returning any monies paid (with interest), and removing his debarments from DISA's website. *See* Mag. J. Report entered May 8, 2025, at 3. Thereafter, in January 2026, the

[1] The District Court concluded, inter alia, that Marlowe had not sufficiently alleged an injury-in-fact as to Senator Toomey. *See* Dist. Ct. Order entered Mar. 22, 2023 (adopting Magistrate Judge's report entered Mar. 2, 2023).

District Court dismissed as moot Marlowe's claims against the SBA's Administrator and DISA's Director, ordered that each party bear his/her own costs, and directed the District Court Clerk to close the case. This timely appeal followed.[2]

Marlowe's opening appellate brief does not challenge the bases for the District Court's dismissal of Senator Toomey or the District Court's subsequent determination that the remainder of the case was subject to dismissal as moot. Accordingly, Marlowe has forfeited those challenges. *See In re LTC Holdings, Inc.*, 10 F.4th 177, 181 n.1 (3d Cir. 2021) (noting that "arguments not developed in an appellant's opening brief are forfeited" (citing *In re Wettach*, 811 F.3d 99, 115 (3d Cir. 2016))); *see also Emerson v. Thiel Coll.*, 296 F.3d 184, 190 n.5 (3d Cir. 2002) (per curiam) (applying this rule to a pro se appeal).

To the extent that Marlowe's opening brief raises various arguments about his criminal proceedings from many years ago or any other matters that were not before the District Court in this civil action, we do not consider those arguments here. *See, e.g.*, *Simko v. U.S. Steel Corp*, 992 F.3d 198, 205 (3d Cir. 2021) ("It is well-established that arguments raised for the first time on appeal are not properly preserved for appellate review."). To the extent that Marlowe faults the District Court for not awarding him costs, we see no error in that ruling. *See* Dist. Ct. Mem. entered Jan. 14, 2026, at 2 ("[Marlowe] cites no authority allowing this court to award him costs."); *see also Fed. Trade Comm'n v. Penn State Hershey Med. Ctr.*, 914 F.3d 193, 195 (3d Cir. 2019) ("The

[2] We have jurisdiction over this appeal pursuant to 28 U.S.C. § 1291.

American Rule, grounded in longstanding common law tradition, requires parties to pay their own legal costs win or lose, unless a statute or contract provides otherwise." (internal quotation marks omitted)); *Templin v. Indep. Blue Cross*, 785 F.3d 861, 864 (3d Cir. 2015) (reviewing District Court's decision on costs for abuse of discretion). And Marlowe has failed to demonstrate that any of the other arguments that he raises on appeal entitle him to relief.

In view of the above, we will affirm the District Court's judgment. Marlowe's motions on appeal, which seek, inter alia, leave to amend his complaint, the production of various documents, and the "reinstate[ment] [of] Senator Toomey as intervenor/amicus participant," 3d Cir. Dkt. No. 17, at 1 (certain capitalization omitted), are denied. To the extent that Marlowe seeks any other relief from us, that relief is denied, too.