NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26–1531

ANDRE JAMEL DAVIS; K.L.D.,
Appellants

v.

BOROUGH OF LEONIA, DBA Leonia Police Department; RAYMOND FORSDAHL, in his official and personal capacity; BRANDON MCNEIL, in his official and personal capacity; SANO'S BROADVIEW CORP., DBA Sano's Towing

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On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil Action No. 2:23–cv–02313)
District Judge: Honorable Julien X. Neals

Submitted Pursuant to Third Circuit LAR 34.1(a)
October 21, 2026
Before: MATEY, MONTGOMERY-REEVES, and NYGAARD, *Circuit Judges*

(Opinion filed: November 4, 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 appellants Andre Jamel Davis and K.L.D.[1] appeal the District Court's dismissal of constitutional and tort claims related to a traffic stop in New Jersey in March 2023. Davis and K.L.D. sued numerous defendants from the Borough of Leonia Police Department ("LPD"), who were involved in the stop, and Sano's Broadview Corporation ("Sano's Towing," owned by Peter Sassano), which towed Davis's vehicle thereafter. For the reasons that follow, we will affirm, with one slight modification.

I.

On March 21, 2023, LPD Officer Raymond Forsdahl issued citations to Davis for driving on a suspended license, failing to produce registration, and failing to produce proof of insurance. Officer Forsdahl initiated the traffic stop, stating that the license plates on Davis's vehicle did not match the vehicle to which they were registered. Davis, who was traveling with his nine-year-old son, K.L.D., questioned the legality of the stop, informing Officer Forsdahl that he was neither "a driver nor a U.S. Citizen," had "no contract with . . . the 'LPD,'" and was "touring." Officer Forsdahl, who had been joined at the scene by several officers, including Officer Brandon McNeil, informed Davis that his vehicle would be towed and called Sano's Towing.

[1] Davis represents that he "is not counsel for K.L.D." and requests direction "regarding representation of the minor." However, no attorney entered an appearance on K.L.D.'s behalf following this Court's order on this very subject. Accordingly, we consider this matter only with respect to Davis. For similar reasons, we will modify the District Court's dismissal to be without prejudice to K.L.D. *See Osei-Afriye v. Med. Coll. of Pa.* 937 F.2d 876, 883 (3d Cir. 1991).

Davis and K.L.D. were "left stranded" with their belongings. Davis made numerous attempts to resume possession of the vehicle by visiting the LPD precinct and Sano's Towing with proof of ownership. These attempts were unsuccessful.

II.

On April 26, 2023, Davis filed a complaint in the District of New Jersey, alleging abuse of process, violation of equal protection, violation of procedural due process, unlawful detention, conversion, and a violation of the New Jersey Civil Rights Act. He named as defendants, among others, the LPD, Officer Forsdahl, Officer McNeil (collectively, Leonia defendants), and Sano's Towing. On the defendants' motions, the District Court dismissed Davis's initial complaint and an amended complaint, each time providing leave to amend. The District Court ultimately dismissed Davis's operative second amended complaint with prejudice, and Davis filed a timely notice of appeal.

III.

We have jurisdiction over this appeal pursuant to 28 U.S.C. § 1291. We exercise plenary review over the District Court's dismissal of Davis's claims under Federal Rule of Civil Procedure 12(b)(6). *See Castleberry v. STI Grp.*, 863 F.3d 259, 262–63 (3d Cir. 2017). To survive a motion to dismiss, a complaint must allege facts sufficient to "state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). Pleadings of pro se plaintiffs are construed liberally. *See Mala v. Crown Bay Marina, Inc.*, 704 F.3d 239, 244 (3d Cir. 2013). But "pro se litigants still must allege sufficient facts in their complaints to support a claim." *Id.* at 245. We "may affirm a result reached by the district court on

different reasons, as long as the record supports the judgment." *Guthrie v. Lady Jane Collieries, Inc.*, 722 F.2d 1141, 1145 n.1 (3d Cir. 1983).

IV.

We agree with the District Court's dismissal of all claims against the Leonia defendants. It is well established that police officers may "conduct a brief, investigatory stop when the officer has a reasonable, articulable suspicion that criminal activity is afoot." *Illinois v. Wardlow*, 528 U.S. 119, 123 (2000) (citing *Terry v. Ohio*, 392 U.S. 1, 30 (1968)). A court considering whether there is reasonable suspicion for a *Terry* stop must therefore evaluate the totality of the circumstances. *See, e.g.*, *United States v. Arvizu*, 534 U.S. 266, 273–74 (2002). This standard is "less demanding . . . than probable cause," but still requires "at least a minimal level of objective justification for making the stop." *Wardlow*, 528 U.S. at 123. In turn, probable cause exists "wherever reasonably trustworthy information or circumstances within a police officer's knowledge are sufficient to warrant a person of reasonable caution to conclude that an offense has been committed." *United States v. Myers*, 308 F.3d 251, 255 (3d Cir. 2002).

Davis's claims under the Fourth and Fourteenth Amendments presuppose a lack of reasonable suspicion or probable cause. But per his own account, Davis readily informed Officer Forsdahl that he was "not a driver nor a U.S. citizen," and it is undisputed that Davis was driving without a license, insurance, or registration. Critically, Davis has not adequately pleaded a lack of reasonable suspicion to initiate the stop. *Cf. United States v. Mosley*, 454 F.3d 249, 252 (3d Cir. 2006) ("[A]ny technical violation of a traffic code legitimizes a stop")..

On appeal, Davis argues that the District Court improperly resolved disputed facts, drew inferences against him, and mischaracterized his pleadings.[2] But he fails to appreciate the distinction between "well-pleaded factual allegations," which are entitled to the presumption of truth, and "mere conclusory statements," which courts "disregard." *Santiago v. Warminster Twp.*, 629 F.3d 121, 128–130 (3d Cir. 2010) (quoting *Iqbal*, 556 U.S. at 679). Furthermore, he mistakenly attempts to centralize law enforcement's "[s]ubjective intentions"—which play "no role in ordinary, probable-cause . . . analysis," *Whren v. United States*, 517 U.S. 806, 813 (1996)—as opposed to "objective facts known to [law enforcement]" and the totality of the circumstances, which do. *United States v. Cortez*, 449 U.S. 411, 419 (1981).

For instance, we agree with the District Court that the second amended complaint's conclusory allegations about profiling "cannot be accepted at face value." *Pace Resources, Inc. v. Shrewsbury Twp.*, 808 F.2d 1023, 1026 (3d Cir. 1987). Davis "merely say[s] he was" subjected to profiling, "without more." Similarly, while he alleges that Officer Forsdahl "falsely claim[ed]" that the license plates "came back to a Chevy," his allegations concerning the license plate—including that it was "foreign" and "private"— were insufficient to permit the District Court to "infer more than the mere possibility of misconduct." *Iqbal*, 556 U.S. at 679 (2009); *see also Brown v. City of Albion*, 136 F.4th 331, 342 (6th Cir. 2025) (to allege the absence of probable cause,

[2] Davis also brought claims regarding unjust enrichment, conversion, the Takings Clause, municipal liability, and the New Jersey Civil Rights Act. Because he does not pursue them in his appellate brief, we deem any challenge to the District Court's dismissal of them forfeited. *See Chen v. Ashcroft*, 381 F.3d 221, 235 (3d Cir. 2004).

plaintiffs must "plead allegations plausibly suggesting that the [d]efendants did not have sufficient evidence . . . to raise a substantial chance of criminal activity"). Conversely, it is beyond reasonable dispute that Davis was charged with several traffic offenses, as reflected by the record.[3] And per Davis's own account, the objective facts known to Officer Forsdahl supported his decision to issue citations and have the car towed. *Mosley*, 454 F.3d at 252; *United States v. Delfin-Colina*, 464 F.3d 392, 398 (3d Cir. 2006).

V.

Davis separately attacks the District Court's decision to deny him leave to file a third amended complaint, arguing that dismissal with prejudice "was not necessary." But he failed to plausibly plead a federal claim even after multiple "amendments previously allowed." *Foman v. Davis*, 371 U.S. 178, 182 (1962). The District Court thus acted within its discretion in determining that further leave to amend would be inequitable or futile after Davis failed to state a viable claim despite his ample opportunities to do so. *See Jones v. Unknown D.O.C. Bus Driver and Transp. Crew*, 944 F.3d 478, 483 (3d Cir. 2019).

VI.

Based on the foregoing, we will affirm the District Court's judgment, as modified, *see* n.1, *supra*.

[3] We may take judicial notice of facts that are "not subject to reasonable dispute." *Werner v. Werner*, 267 F.3d 288, 295 (3d Cir. 2001). This power extends to publicly available records and dockets in state courts, such as the Leonia Municipal Court documents appended to the Leonia defendants' motion below. *See Sands v. McCormick*, 502 F.3d 263, 268 (3d Cir. 2007).