NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1851

GREEN MUNIYR TREVOR,
Appellant

v.

KHALID MUMIN; TONY WATLINGTON, SR.;
VERONICA JOYNER, Mathematic Civic Science Charter School;
SPENCER HILL, Mathematic Civic Science Charter School

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(E.D. Pa. Civ. No. 2:23-cv-04847)
District Judge: Honorable R. Barclay Surrick

Submitted Pursuant to Third Circuit LAR 34.1(a)
October 28, 2026

Before: SHWARTZ, PHIPPS, and CHUNG, *Circuit Judges*

(Opinion filed October 30, 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.

Green Muniyr Trevor, proceeding pro se, appeals from the District Court's order dismissing his amended complaint with prejudice. For the following reasons, we will affirm.

I.

Trevor, who identifies himself as "a living indigenous Man, sui generis, sui juris in propria persona," filed an amended complaint against defendants Pennsylvania Department of Education Secretary Khalid Mumin, School District of Philadelphia Superintendent Tony Watlington, Sr., Chief Administrator and Founder of the Mathematics, Civics, and Sciences Charter School (the "Charter School") Veronica Joyner, and Charter School Treasurer and board member Spencer Hill. ECF No. 7. In the amended complaint, Trevor raised various constitutional and other claims arising from a conflict with the Charter School, where he sent his son in the fall of 2023. Specifically, Trevor alleged that he did not want his son to wear a dress shirt, dress pants, dress shoes, and a tie in compliance with the Charter School's uniform policy because of his "cultural historical belief that the uniform has a lot to do with British Culture" and wanted to homeschool his son four days per week. *Id.* at 15. Although he communicated his discontent to defendants, the Charter School continued to require compliance with the dress code.

On one occasion, Trevor sent his son to school wearing "a turtle neck shirt with a religious/cultural necklace that represents his land which is Lenabehokin . . . [and] his family and tribe, which is Talapanabe." ECF. No. 7 at 17. After someone at the Charter School realized they did not have an extra shirt and tie that fit Trevor's son, they asked

Trevor to pick him up. Trevor decided to remove his son from the Charter School for the two weeks per month that he has custody.

In the amended complaint, Trevor brought twenty-one individual causes of action under the First Amendment, the "United Nations Universal Declaration on Human Rights Article 20," the Fifth Amendment, the Ninth Amendment, the Tenth Amendment, 18 U.S.C. § 241, the Contract Clause, the Supremacy clause, the Fourteenth Amendment, and the "American Declaration on Indigenous People." *See* ECF No. 7. Defendants filed motions to dismiss, which the District Court granted, dismissing the amended complaint with prejudice. Trevor timely appealed.

II.

We have jurisdiction over this appeal pursuant to 28 U.S.C. § 1291. We exercise plenary review over the District Court's order dismissing Trevor's amended complaint and may affirm on any basis supported by the record. *See Host Int'l, Inc. v. MarketPlace PHL, LLC*, 32 F.4th 242, 247 n.3 (3d Cir. 2022). To survive a motion to dismiss, a complaint must allege facts sufficient to "state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). Pleadings of pro se litigants are construed liberally, but "pro se litigants still must allege sufficient facts for their complaints to support a claim." *See Mala v. Crown Bay Marina, Inc.*, 704 F.3d 239, 244–45 (3d Cir. 2013).

On appeal, Trevor challenges the District Court's dismissal of his constitutional claims.[1] First, he contends that the District Court erred in dismissing his First Amendment free exercise claim because, he argues, the uniform policy was applied in a way that "lacked neutrality and general applicability," 3d Cir. ECF 20 at 5. However, Trevor did not plead facts in his amended complaint to support this argument. *See Emp. Div., Dept' of Hum. Res. v. Smith*, 494 U.S. 872, 879 (1990). Trevor did not allege that the policy was religiously targeted or provided individualized or unfairly applied exemptions. *See Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 526 (2022) (holding that a policy is not neutral or generally applicable if it targets a religious practice, "prohibits religious conduct while permitting secular conduct that undermines the government's asserted interests in a similar way," or "provides a mechanism for individualized exemptions." (internal quotation marks omitted)). Accordingly, the amended complaint failed to state a claim for a violation of the free exercise clause. *See, e.g.*, *Kaemmerling v. Lappin*, 553 F.3d 669, 677 (D.C. Cir. 2008) (holding plaintiff failed to state a free exercise claim where he failed to allege that the rule at issue was not

[1] Trevor apparently takes issue with the District Court's use of 42 U.S.C. § 1983 as a framework for his claims even though he cited § 1983 as a jurisdictional basis for his amended complaint. Instead, he seeks to proceed under the alien tort statute, which, he concedes, he did not cite below. Because he raises it for the first time on appeal, we do not consider the applicability of the alien tort statute to his claims. *See Barna v. Bd. of Sch. Dirs. of Panther Valley Sch. Dist.*, 877 F.3d 136, 146 (3d Cir. 2017). Nor do we address Trevor's claims under the Universal Declaration of Human Rights and the American Declaration on Indigenous People or his statutory claim, as he has not challenged their dismissal on appeal and has therefore abandoned them. *See Montemuro v. Jim Thorpe Area Sch. Dist.*, 99 F.4th 639, 646–47 (3d Cir. 2024) (citing *Kost v. Kozakiewicz*, 1 F.3d 176, 182 (3d Cir. 1993)).

neutral or generally applicable); *Shaffer v. Saffle*, 148 F.3d 1180, 1182 (10th Cir. 1998) (same).

Trevor also challenges the dismissal of his First Amendment freedom of association claim because, he argues, he alleged facts that indicated that he was "associating his son with the lenabe [sic] group and maintaining membership and identity through expressions." 3d Cir. ECF No. 20 at 8–9. In fact, in the amended complaint, Trevor describes his association claim as alleging a violation of his "right to association with his child," an intimate association claim which he has abandoned on appeal, apparently in favor of his new expressive association claim.[2] ECF No. 7 at 3. Because he raises the expressive association claim for the first time on appeal, we do not consider it. *See Barna*, 877 F.3d at 146.

Trevor next contends that the District Court erred in dismissing his due process claims under the Fifth and Fourteenth Amendments. The Fifth Amendment Due Process Clause does not apply here, as it only applies to federal officials. *See Nguyen v. U.S. Cath. Conf.*, 719 F.2d 52, 54 (3d Cir. 1983) (per curiam); *see also Bingue v. Prunchak*, 512 F.3d 1169, 1174 (9th Cir. 2008). While the Fourteenth Amendment's substantive due process clause does apply to state actors, Trevor alleged only that defendants "put policies and statues [sic] over the constitution to infringe upon [his] rights," which is

[2] Even if Trevor had not abandoned his intimate association claim on appeal, we would affirm on alternative grounds, as he did not allege that defendants engaged in "conduct that interferes directly and substantially" with his right to form or maintain an intimate relationship with his son, a right which, contrary to the District Court's opinion, this Court has recognized as grounded in the First Amendment. *See Starnes v. Butler Cnty. Ct. of Common Pleas*, 971 F.3d 416, 431 (3d Cir. 2020).

insufficient to state a substantive due process claim. *See* ECF No. 7 at 4. Even construing Trevor's amended complaint liberally to allege a violation of his right to control the education of his child, he did not allege the kind of conduct that "shocks the conscience" required to state a substantive due process claim. *See Chainey v. Street*, 523 F.3d 200, 219–20 (3d Cir. 2008); *see also Combs v. Homer-Ctr. Sch. Dist.*, 540 F.3d 231, 249 (3d Cir. 2008) ("[T]here is no recognized right for parents to educate their children unfettered by reasonable government regulation." (internal quotation marks omitted)).

As to his Contract Clause claim, Trevor argues that he had a "spiritual contract" with "his god and child" that was not in writing. *See* 3d Cir. ECF No. 20 at 11; ECF No. 7 at 4. This is not the kind of valid legal contract that the Contract Clause protects. *See Energy Reserves Grp. v. Kan. Power & Light Co.*, 459 U.S. 400, 411 (1983).

Finally, Trevor invokes the Ninth and Tenth Amendments as creating "a safety net to protect unenumerated rights not specifically listed in the bill of rights." 3d Cir. ECF 20 at 10–11. He did not define the contours of this argument in the amended complaint and therefore did not state a plausible claim for relief. *See Morse v. Lower Merion Sch. Dist.*, 132 F.3d 902, 906 (3d Cir. 1997) ("[A] court need not credit a complaint's bald assertions or legal conclusions when deciding a motion to dismiss." (internal quotation marks omitted)). The basis for his Supremacy Clause claim is likewise unclear and, regardless, "the Supremacy Clause, of its own force, does not create rights enforceable under § 1983." *Golden State Transit Corp. v. City of Los Angeles*, 493 U.S. 103, 107 (1989).

For these reasons, we will affirm the District Court's judgment.