NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-2245

TIMOTHY TERELL SMITH,
Appellant

v.

SOCIAL SECURITY ADMINISTRATION; HUNTINGTON NATIONAL BANK;
NORTHWEST SAVINGS BANK

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civil Action No. 1:24-cv-00308)
District Judge: Honorable Cathy Bissoon

Submitted Pursuant to Third Circuit LAR 34.1(a)
October 15, 2026
Before: CHAGARES, *Chief Judge*, HARDIMAN and FREEMAN, *Circuit Judges*

(Opinion filed: November 10, 2026)

OPINION*

PER CURIAM

Appellant Timothy Smith, proceeding pro se, appeals from the District Court's dismissal of his claims. For the following reasons, we will affirm.

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

Smith filed this lawsuit against the Social Security Administration ("SSA") and Huntington National Bank ("Huntington"), and later Northwest Bank ("Northwest"), in the District Court. His initial complaint invoked 42 U.S.C. § 1983, but his operative second amended complaint appeared to allege state torts.

As the District Court noted, the allegations in his operative complaint are "vague and do not clearly identify the specific wrongful actions of each Defendant." ECF 42 at 2. In general, Smith alleges that Huntington defrauded him, stole from him through forged checks, and submitted falsified records to the SSA. He accuses Northwest of, inter alia, stealing over $20,000 from his accounts and providing false records to the SSA. Smith contends that the records from Huntington and Northwest led the SSA to falsely accuse him of fraud and that the SSA did not properly evaluate his case.[1]

After Smith filed his second amended complaint, the SSA and Northwest moved to dismiss the complaint. The District Court granted both motions, dismissing Smith's claims against the SSA for failure to state a claim, *see Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (explaining that a plaintiff must "plead[] factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged"), and his claims against Northwest as untimely under the longest potentially

[1] Smith is currently being prosecuted in the United States District Court for the Western District of Pennsylvania. In 2024, he was charged with one count of Social Security fraud for allegedly failing to disclose an inheritance of approximately $76,942.67, which rendered him ineligible for Supplemental Security Income. *See United States v. Smith*, 1:24-cr-00014. In his complaint in this case, he seeks money damages, but it appears that his allegations overlap with his defense in the criminal case.

applicable statute of limitations imposed by 42 U.S.C. § 1983 and Pennsylvania law.[2] *See* 42 Pa. Cons. Stat. § 5524; *Sameric Corp. of Delaware v. City of Phila.*, 142 F.3d 582, 599 (3d Cir. 1998) (explaining that in § 1983 actions, "federal courts apply the state's statute of limitations for personal injury").

The court provided Smith with leave to file another amended complaint on or before March 6, 2026, and advised him to make his "last, best efforts" to cure the deficiencies in his pleadings. But he failed to comply with the District Court's deadline, and the court converted the dismissal to one with prejudice. In doing so, the court also stated that it would not exercise supplemental jurisdiction over Smith's remaining state claims against Huntington and ordered him to show cause as to why those claims should not be dismissed for lack of subject matter jurisdiction.[3]

Smith filed numerous motions and documents, though he neglected to provide any information—or argument—regarding the jurisdictional issue. The District Court subsequently dismissed the remaining claims against Huntington for lack of subject matter jurisdiction, explaining that Smith's allegations neither presented a federal question nor included any information to support finding diversity jurisdiction. *See* 28 U.S.C. §§ 1331, 1332. Smith timely appealed.

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[2] A timeliness defense may be raised under Rule 12(b)(6) where, as here, the time-bar is apparent on the face of the complaint. *See Schmidt v. Skolas*, 770 F.3d 241, 249 (3d Cir. 2014).

[3] Courts may raise the issue of subject matter jurisdiction sua sponte and must dismiss an action whenever such jurisdiction is lacking. *See In re Plavix Mktg., Sales Pracs. & Prods. Liab. Litig. (No. II)*, 974 F.3d 228, 232 (3d Cir. 2020) (citing Fed. R. Civ. P. 12(h)(3)).

We have jurisdiction pursuant to 28 U.S.C. § 1291. We exercise plenary review of dismissals pursuant to Fed. R. Civ. P. 12(b)(6), *see Spruill v. Gillis*, 372 F.3d 218, 226 (3d Cir. 2004), and for lack of subject matter jurisdiction. *See McCann v. Newman Irrevocable Tr.*, 458 F.3d 281, 286 (3d Cir. 2006).

As Appellees correctly emphasize, Smith has failed to present any clear challenge to the District Court's dismissal of his claims on appeal. *See In re LTC Holdings, Inc.*, 10 F.4th 177, 181 n.1 (3d Cir. 2021) (explaining that "arguments not developed in an appellant's opening brief are forfeited" (citing *In re Wettach*, 811 F.3d 99, 115 (3d Cir. 2016)). His appellate brief does not refer to the District Court's rulings, and his arguments are underdeveloped and devoid of legal citation.[4] Even liberally construing Smith's appellate brief, we cannot discern any challenge to the bases of the District Court's dismissal of his claims. Furthermore, upon our independent review of the record, we are satisfied that the District Court did not err.

Accordingly, we will affirm.

[4] For example, in response to the question of whether the District Court incorrectly decided the facts, Smith states: (1) all three defendants were prejudiced "on the responses previous to this one, at least twice a piece automatic disqualification Rule 4 12[(]a)(2)(c) in complaint manual[;]" (2) there were "over 62 ledgible [sic] violations against each Defendant[;]" and (3) it is clear "that its identity theft according to statements on E.S.P.N.R." and the defendants' visual and verbal admissions. C.A. Doc. 10 at 3.