

NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted January 6, 2026*
Decided January 9, 2026

Before

ILANA DIAMOND ROVNER, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 25-2119

AMIR AYUB

Plaintiff-Appellant,

v.

RAJESH DEWAN,

Defendant-Appellee.

Appeal from the United States District Court for the Southern District of Indiana, Indianapolis Division.

No. 1:24-cv-01635-SEB-MJD

Sarah Evans Barker,
Judge.

ORDER

Amir Ayub filed a standardized civil-complaint form alleging that his employer, Rajesh Dewan, discriminated against him in the workplace based on religion.

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

The district court found Ayub's claims to be time-barred and granted Dewan's motion for summary judgment. We affirm.

Ayub alleges that Dewan began discriminating against him in 2020, while he worked at Dewan's gas station. According to Ayub, Dewan prevented him from praying and attending mosque for Friday prayers, humiliated him in front of customers, used language abusive toward him and Islam, and once called him into the office to show him pornography. Ayub further alleges Dewan deducted money from his paycheck without authorization or explanation. Ayub filed a charge with the Equal Employment Opportunity Commission, which issued a notice-of-right-to-sue letter on January 3, 2024. The letter informed Ayub that he had 90 days to file a lawsuit. He did not file his complaint for more than eight months. On September 19, 2024, he sued Dewan, alleging religious discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2, and under 22 U.S.C. § 6401 (a congressional policy statement announcing support for religious freedom abroad).

Ayub and Dewan filed cross-motions for summary judgment, and the court awarded summary judgment to Dewan, finding that Ayub did not file his suit within 90 days of receiving the EEOC's right-to-sue notice. And even if Ayub had timely filed this suit, the court added, Dewan could not be sued under Title VII because the undisputed record established that Ayub was employed not by Dewan but a company called "Dewan Inc."

On appeal, Ayub ignores the district court's conclusion that his complaint was untimely and instead challenges the court's interpretation of his complaint as grounded in employment discrimination rather than civil-rights violations. But even if the complaint were timely, a claim under 42 U.S.C. § 1983, for example, would fail because he cannot allege that Dewan acted under color of state law. "[M]erely private conduct, no matter how discriminatory or wrongful," does not give rise to § 1983 liability. *Reardon v. Danley*, 74 F.4th 825, 828 (7th Cir. 2023) (quoting *Am. Mfrs. Mut. Ins. Co. v. Sullivan*, 526 U.S. 40, 50 (1999)).

AFFIRMED