

NONPRECEDENTIAL DISPOSITION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 July 28, 2026*

Decided July 28, 2026

Before

MICHAEL Y. SCUDDER, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

No. 25-3276

JEFFERY TODD HENSON, SR.,
Plaintiff-Appellant,

v.

DWIGHT COMMON SCHOOL
DISTRICT NO. 232, et al.,
Defendants-Appellees.

Appeal from the United States District
Court for the Central District of Illinois.

No. 1:25-cv-01160-MMM-RLH

Michael M. Mihm,
Judge.

ORDER

Jeffery Henson, Sr., applied to serve as a volunteer at his child's school, but the school board denied his request in accordance with its policy of rejecting applicants with criminal histories. Henson sued Dwight Common School District No. 232 and several of its officials, alleging that they violated his constitutional rights by refusing to

* 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).

let him volunteer. *See* 42 U.S.C. § 1983. The district court dismissed Henson’s amended complaint and declined to permit him to amend it for a second time. We affirm.

We draw our account from the well-pleaded allegations in Henson’s amended complaint, as well as the documents he attached as exhibits. *See Geinosky v. City of Chicago*, 675 F.3d 743, 745 n.1 (7th Cir. 2012) (citing FED. R. CIV. P. 10(c)). Henson filed two applications to be placed on the District’s “Approved Volunteer List” so that he could be a chaperone for his child’s school events. He did not receive a response, so he reached out to District Superintendent Josh DeLong. DeLong informed Henson that his applications had been denied because of his criminal history.¹ When Henson pressed DeLong to explain the District’s decision, DeLong stated that the District categorically bans applicants with criminal histories from serving as school volunteers, regardless of the specific circumstances surrounding the underlying convictions.

Henson sued the District, DeLong, and several members of the District’s school board under 42 U.S.C. § 1983, alleging that they violated his constitutional rights by rejecting his applications. Specifically, Henson argued that the defendants violated his right to procedural due process under the Fourteenth Amendment by depriving him of his protected liberty and parental interests without notice, hearing, or fair process, and that they violated his right to equal protection by applying a “blanket policy to exclude” him without individualized review of his circumstances. Further, he alleged that the District violated the Illinois Uniform Conviction Information Act (“UCIA”), 20 ILCS 2635/2, by misusing his criminal history.

The district court dismissed Henson’s complaint. The court concluded that Henson’s procedural due process claim failed because he did not show that he possessed a protected liberty interest in volunteering for school activities. Further, his equal protection claim fell short because the District’s policy of excluding applicants with criminal histories from volunteering was supported by a rational basis—that is,

¹ Henson’s response to the District’s motion to dismiss states that his record contains only a “decades-old, non-violent conviction,” but the district court appropriately took judicial notice of his convictions in 2021 for several felonies including wire fraud, money laundering, and aggravated identity theft. *See United States v. Payne*, 964 F.3d 652, 656 (7th Cir. 2020) (citing FED. R. EVID. 201(b)) (stating that federal courts “may judicially notice court records as evidence of prior judicial actions”). And Henson admitted to these convictions during argument on the motion to dismiss his amended complaint.

ensuring the safety of its students. And the court rejected Henson's state-law claim because Henson did not allege that the District "negligent[ly] disseminat[ed] inaccurate or incomplete conviction information" such that he could pursue a civil action for damages under the UCIA. 20 ILCS 2635/14. Nevertheless, the court granted Henson leave to amend his complaint.

Henson filed an amended complaint that contained substantially similar allegations but reformulated his grounds for relief. While he maintained his equal protection claim (under a class-of-one theory), he swapped his procedural due process and UCIA claims for claims that the defendants violated his constitutional right to substantive due process under the Fourteenth Amendment and that they acted "ultra vires" and "contrary to Illinois public policy" by enforcing a blanket exclusion on applicants with criminal histories. The amended complaint also included a standalone claim for "irreparable injury," in which Henson noted that his ongoing exclusion created "irreparable harm to his parental relationship and constitutional rights."

The defendants moved to dismiss the amended complaint—27 days after Henson filed it—and Henson responded the same day. The district court then ordered the defendants to explain why the court should consider the untimely motion. *See* FED. R. CIV. P. 15(a)(3) (setting 14-day deadline for responses to amended pleadings). The defendants' counsel explained that he had mistakenly (but in good faith) calendared the deadline for the response on the wrong date and that Henson was not prejudiced by the late filing because he responded to the motion on the day it was filed. In response, Henson moved to strike the defendants' motion to dismiss, arguing that Rule 6(b)(1)(B) of the Federal Rules of Civil Procedure allows a court to accept a late filing only if the moving party demonstrates that "excusable neglect" caused the delay, and that the defendants had not done so here.

After a hearing, the district court denied Henson's motion to strike and granted the defendants' motion to dismiss. The court determined that the defendants' late filing did not prejudice Henson because he promptly responded to it on the day it was filed. Moreover, Henson did not challenge the timeliness of the motion until after the district court raised the issue sua sponte, at which time the motion was fully briefed. Turning to the merits, the court concluded that Henson failed to state a claim that the defendants violated his right to substantive due process because he did not have a fundamental right to volunteer at his child's school events, and the District's policy of excluding applicants with criminal histories satisfied rational-basis review. The court also concluded that Henson's equal protection claim, brought under a class-of-one theory,

was similarly unavailing because there was a rational basis for the District's decision. And the court declined to exercise supplemental jurisdiction over Henson's state-law claim that the District acted *ultra vires* and contrary to state policy, noting that it was dismissing the claim without prejudice and that Henson could file the claim in state court. Finally, the court dismissed Henson's claim of "irreparable injury," stating that Henson had failed to state a claim "upon which any relief, injunctive or otherwise, could be granted." Because, in the court's view, any further amendment would be futile, the court refused to allow Henson to amend his complaint a second time.

On appeal, Henson first argues that the district court abused its discretion by considering the defendants' late motion to dismiss without requiring a showing of excusable neglect under Rule 6(b)(1)(B).² In evaluating whether a late filing should be allowed due to excusable neglect, "courts should consider all relevant circumstances surrounding the party's neglect, including the prejudice to the non-movant, length of delay, and reason for delay." *Bowman v. Korte*, 962 F.3d 995, 998 (7th Cir. 2020). Further, the moving party must offer a meaningful explanation for the late filing. *Id.*

Because the court here appropriately evaluated the relevant circumstances, it did not abuse its discretion to consider the late motion to dismiss and to deny Henson's motion to strike. See *Simstad v. Scheub*, 816 F.3d 893, 898 (7th Cir. 2016) (holding that decision to permit late filing under Rule 6(b)(1)(B) is reviewed only for abuse of discretion). The defendants explained that the motion was filed late because of a good-faith calendaring mistake. And in determining that it would entertain the motion to dismiss, the court expressly considered the defendants' explanation, the length of delay, and the lack of prejudice to Henson, who responded to the motion the same day.

Next, Henson contends that the district court incorrectly interpreted his procedural due process claim as a substantive due process claim implicating a fundamental right. But Henson's amended complaint did not present any procedural due process theories. Rather, Henson explicitly alleged that the District's denial of his

² Henson also complains that the defendants never filed a formal motion to excuse the late filing. See FED. R. CIV. P. 6(b)(1)(B) (stating that district court may, with good cause, extend time for filing "on motion made after the time has expired"). But the defendants' response to the district court's order regarding timeliness—which explicitly requested that the district court entertain the late motion to dismiss—effectively served as their Rule 6(b)(1)(B) motion. Indeed, Henson filed a response in opposition, stating that he understood the filing to serve as a request to excuse the late filing of the motion.

volunteer request violated his *substantive* due process right to participate in his child's education. Thus, the district court rightly recognized that to state a substantive due process claim, there must be an alleged violation of a constitutional right or liberty. If the right or liberty is fundamental, then the alleged violation must be "arbitrary and irrational." *Campos v. Cook County*, 932 F.3d 972, 975 (7th Cir. 2019). Alternatively, if a nonfundamental liberty is at stake, the purported violation of that liberty must not be "rationally related to a legitimate government interest." *Hayden ex rel. A.H. v. Greensburg Cmty. Sch. Corp.*, 743 F.3d 569, 576 (7th Cir. 2014).

The district court properly dismissed Henson's substantive due process claim. Although parents have a fundamental right "to direct the education and upbringing of [their] children," *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997), we have expressly stated that there is no fundamental right for parents "to be playground monitors[] or to attend school functions," and "[s]chools have valid interests in limiting the parental presence." *Crowley v. McKinney*, 400 F.3d 965, 969 (7th Cir. 2005). It follows that the Constitution does not confer a fundamental right for a parent to serve as a volunteer at his child's school. And we agree with the district court that the District's interference with Henson's nonfundamental liberty interest to be a school volunteer, based on his criminal history, was rationally related to its legitimate interest in protecting the safety of its students.

Henson's equal protection claim similarly falls short. A plaintiff states an equal protection claim under a class-of-one theory by alleging that, regardless of any group affiliation, he has been "intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment." *United States v. Moore*, 543 F.3d 891, 896 (7th Cir. 2008) (quoting *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000)). But Henson does not allege that he was treated differently from other parents with criminal histories who sought to volunteer in the District. To the contrary, Henson alleges that the District employs a "blanket exclusion of all persons with a felony conviction." And, as discussed above, to the extent that Henson alleges that the District violated his right to equal protection because he was treated differently than parents without criminal histories, the District had a rational basis for treating applicants with criminal histories differently than those without criminal histories.³

³ Henson does not challenge the district court's rejection of his "irreparable injury" claim or the court's refusal to exercise supplemental jurisdiction over his state-law claim, so we do not address the dismissal of those claims.

Finally, Henson argues that the district court abused its discretion by refusing to permit him to amend his complaint a second time. He points to the district court's comments at the motion hearing that there were some unresolved factual issues concerning the District's volunteer policy—that is, whether the exclusion of applicants with criminal histories was an official policy of the District or whether it was an unwritten rule. True, Rule 15 of the Federal Rules of Civil Procedure states that, “as a general rule, a court ‘should freely give leave [to amend] when justice so requires.’” *Gonzalez-Koenke v. West*, 791 F.3d 801, 807 (7th Cir. 2015) (alteration in original) (quoting FED. R. CIV. P. 15(a)(2)). But district courts nevertheless “have broad discretion to deny leave to amend ... where the amendment would be futile.” *Id.* (citation omitted). Here, the district court stated that it had already given Henson an opportunity to amend his complaint, and—regardless of any outstanding disputes over the precise nature of the volunteer policy—the amended complaint still failed to state a plausible claim. Thus, the court concluded, it would be futile to afford Henson a second opportunity to amend because the outcome would be the same. The district court acted well within its discretion in reaching this conclusion.

AFFIRMED