NONPRECEDENTIAL DISPOSITION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 February 26, 2024*
Decided February 27, 2024

By the Court:

Nos. 22-2903 & 23-1388

MARK BOCHRA,
Plaintiff-Appellant,

v.

DEPARTMENT OF EDUCATION, et al.,
Defendants-Appellees.

Appeals from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 21 C 3887

Sara L. Ellis,
Judge.

O R D E R

Mark Bochra, a Coptic Christian of Egyptian descent, sued the Department of Education under the Administrative Procedures Act (APA) and 42 U.S.C. § 1983 after it rejected his request to investigate his law school for discriminating against him. The district judge dismissed the suit for three reasons. First, Bochra lacked standing in part: He sought to challenge the Department's definition of antisemitism, but Bochra was not injured by it. Second, Bochra's claim under the APA that the Department wrongly refused to investigate his charge of discrimination failed because Bochra had the alternative remedy of suing the school for discrimination. Third, Bochra's contention under § 1983 that changes to the Department's case-processing manual violated his

* 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).

right to due process was baseless because he had no protectible interest in the manual. All those reasons were correct; consequently we affirm.

Bochra attended Florida Coastal School of Law where he clashed with his peers and disputed his grade in one class. After the school's efforts to resolve these conflicts failed, Bochra filed an administrative complaint with the Department of Education's Office of Civil Rights, asserting that the law school discriminated against him based on his religion and national origin. After unsuccessfully mediating the complaint, the Office concluded that insufficient evidence supported Bochra's allegations and closed the administrative complaint. His administrative appeal was also unsuccessful. Years later, the law school stopped enrolling new students after the Department ruled it ineligible on unrelated grounds to receive federal funding, and it has since closed.

Bochra later sued the Department under the APA and § 1983. He appears to worry that Jewish people are at fault for his conflicts at the school and the Department's failure to grant him administrative relief. This worry led to his three charges: First, the Department uses the International Holocaust Remembrance Alliance's definition of antisemitism, and Bochra believes it generally results in the preferential treatment of Jewish people. (He petitioned to represent a class of persons harmed by the definition.) Second, as the Department was processing his administrative complaint, it revised its case-processing manual, and Bochra believes the revision prompted the Department to stop investigating his law school, in violation of the APA. Third, Bochra contends that by revising the manual the Department also violated his right to due process.

The judge granted the defendants' motion to dismiss. First, the judge ruled that Bochra lacked standing to contest the Department's definition of antisemitism (or to represent his proposed class) because Bochra suffered no injury from it. Next, the judge dismissed Bochra's claim that the Department violated the APA in denying him relief on his discrimination complaint. She explained that because Bochra had a remedy under Title VI for any discrimination by the school, a suit against the Department under the APA was unavailable. Finally, his due process claim failed because Bochra lacked a protectible interest in the case-processing manual. Concluding that any amendment to the complaint would be futile, the judge dismissed the suit with prejudice.

We begin our analysis with Bochra's challenge to the Department's definition of antisemitism, and like the district judge, we conclude that he lacks standing to pursue it. Federal courts are limited to reviewing cases or controversies, and these arise only when a plaintiff has an actual or imminent injury fairly traceable to the defendant.

Spokeo, Inc. v. Robins, 578 U.S. 330, 338 (2016). But Bochra does not assert that, under the Department's definition of antisemitism, he is accused of antisemitism, not protected from it, or otherwise injured by it. The district court thus rightly dismissed the claim. And, similarly, the judge did not abuse her discretion in denying Bochra's petition to certify a class of those allegedly harmed by the definition. Apart from his own lack of standing, Bochra is not represented by counsel and thus cannot adequately represent the proposed class. *See Howard v. Pollard*, 814 F.3d 476, 478 (7th Cir. 2015).

Next, Bochra has no claim under the APA against the Department because, as the district court ruled, he has an alternative remedy. The APA authorizes judicial review of a final agency action only if there is "no other adequate remedy in a court." 5 U.S.C. § 704; *Walsh v. U.S. Dep't of Veterans Affairs*, 400 F.3d 535, 537–38 (7th Cir. 2005). But he had an adequate remedy. If Bochra believes that the law school discriminated against him and the Department did not remedy it, then he could have sued the law school, as a recipient of federal funds, under Title VI of the Civil Rights Act of 1964 to achieve the remedy he seeks. *See Women's Equity Action League v. Cavazos*, 906 F.2d 742, 751 (D.C. Cir. 1990) (recognizing Title VI as adequate remedy for discrimination by federal-funds recipients and dismissing claim under the APA). Bochra responds that the law school no longer receives federal funds and has closed. But Bochra also tells us that he was aggrieved by the Department's inaction years before the school lost its funding and closed, and he does not deny that he could have sued the school when he had the chance. He thus had an adequate remedy against the law school for discrimination. And in any event, courts may not review non-prosecution decisions that by statute are committed to the agency's discretion, as here. *See Heckler v. Chaney*, 470 U.S. 821, 837–38 (1985).

Finally, Bochra argues that he has a property or liberty interest in the previous version of the Department's case-processing manual, and the Department changed its manual without according him due process. He is wrong. As Bochra describes the manual, it addresses the Department's procedures for processing administrative complaints. Procedural rules alone, however, do not create a property or liberty interest. *See Olim v. Wakinekona*, 461 U.S. 238, 250 (1983) ("Process is not an end in itself. Its constitutional purpose is to protect a substantive interest to which the individual has a legitimate claim of entitlement."). Bochra's due process claim therefore has no merit.

AFFIRMED