

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
NORTH CAROLINA

Martin v. Hairston

No. 1:25-CV-344-DAB-JGM (M.D.N.C. May 12, 2026) · No. 1:25-CV-344-DAB-JGM · Decided May 12, 2026

SUMMARY

The court dismissed Bradd Martin’s 42 U.S.C. § 1983 action arising from his exclusion and trespass warning at a North Carolina Division of Motor Vehicles facility. It dismissed the official-capacity claims against Paul Tine without prejudice for insufficient service and sovereign immunity, and dismissed with prejudice the claims against Wanda Hairston, Janet Blue, and the City of Winston-Salem based on qualified immunity, failure to state a constitutional claim, and related grounds.

CASE DETAILS

COURT	United States District Court for the Middle District of North Carolina
WRITING FOR THE COURT	David A. Bragdon
JURISDICTION	United States District Court for the Middle District of North Carolina
DECIDED	May 12, 2026
DOCKET	1:25-CV-344-DAB-JGM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought claims under 42 U.S.C. § 1983 alleging First, Fourth, and Fourteenth Amendment violations arising from a trespass warning and ban from a DMV facility. Defendants moved to dismiss under Rules 4, 12(b)(1), 12(b)(2), 12(b)(3), 12(b)(4), 12(b)(5), and 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and views them in the light most favorable to the plaintiff, but need not accept unwarranted inferences, unreasonable conclusions, or legal conclusions. Qualified immunity requires determining whether the alleged facts establish a constitutional violation and whether the right was clearly established. The plaintiff bears the burden of establishing valid service of process.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court opinion
PARTIES	Bradd Martin v. Wanda Hairston, Janet Blue, Paul Tine, City of Winston-Salem

TOPICS

motions to dismiss

service of process

qualified immunity

section 1983

sovereign immunity

PRACTICE AREAS

civil procedure

constitutional law

civil rights

municipal law

QUESTIONS PRESENTED

1. Whether the claims against Paul Tine in his official capacity should be dismissed for insufficient service of process and lack of personal jurisdiction.
2. Whether sovereign immunity and the rule that state officials sued in their official capacities are not persons under § 1983 required dismissal of the damages claims against Tine.
3. Whether Wanda Hairston and Janet Blue were entitled to qualified immunity on Martin's First Amendment retaliation, Fourth Amendment seizure, and Fourteenth Amendment procedural due process claims.
4. Whether Martin stated § 1983 claims against the City of Winston-Salem for First Amendment retaliation, Fourth Amendment seizure, or Fourteenth Amendment denial of due process.

HOLDINGS

1. Because Martin did not establish that he properly served Paul Tine in his official capacity within the period required by Rule 4(m), the court dismissed the claims against Tine without prejudice for insufficient service and lack of personal jurisdiction.
2. The damages claims against Tine in his official capacity were barred by sovereign immunity and by § 1983's limitation that a state and state officials acting in their official capacities are not persons for purposes of a damages action.
3. Hairston and Blue were entitled to qualified immunity because Martin did not establish that their conduct violated a clearly established First Amendment right. Recording in a DMV facility, a nonpublic forum, was subject to reasonable and viewpoint-neutral restrictions, and Martin identified no controlling authority clearly establishing a right to record there without permission.
4. Martin failed to state a Fourth Amendment seizure claim because he was not arrested or otherwise restrained from leaving the DMV premises.
5. Hairston and Blue were entitled to qualified immunity because Martin failed to identify a clearly established liberty or property interest in access to the particular DMV facility.
6. Martin failed to state First Amendment retaliation, Fourth Amendment seizure, or Fourteenth Amendment due process claims against the City because the alleged decisions were made by DMV personnel, he was not seized, and he alleged no municipal conduct violating his constitutional rights.

KEY QUOTATIONS

“Proper service of process is a prerequisite to the exercise of personal jurisdiction.” (Analysis I)

“The “inside of a DMV branch office is a nonpublic forum,” where “to pass constitutional muster the challenged prohibition need only be reasonable and viewpoint neutral.”” (Analysis III.A.i)

“A person is not considered seized unless “in view of all of the circumstances surrounding the incident, a reasonable person would have believed that he was not free to leave.”” (Analysis III.A.ii)

“Accordingly, the damages claims against Paul Tine and all claims against Wanda Hairston, Janet Blue and the City or Winston-Salem are DISMISSED with prejudice.” (Conclusion)

FACTUAL BACKGROUND

Martin entered a North Carolina Division of Motor Vehicles office while holding a camera and intended to record signs and publicly offered services. He passed signs stating "No Cell Phones" and entered an area marked "Employees and Authorized Personnel Only" before a DMV employee directed him to leave the restricted area. DMV personnel contacted Winston-Salem police, who issued a trespass warning, and Martin was permanently banned from that DMV location, although he retained access to other DMV offices. Martin alleged that the warning and ban violated his First, Fourth, and Fourteenth Amendment rights.

PROCEDURAL HISTORY

Martin filed the action on May 2, 2025, and an amended complaint on June 27, 2025. Defendants moved to dismiss, asserting insufficient service, lack of personal and subject-matter jurisdiction, and failure to state a claim. Martin cured service as to Hairston and the City after the motions were filed, but the record did not show proper service on Tine in his official capacity. The court dismissed the claims against Tine in his official capacity without prejudice for insufficient service and dismissed the remaining claims with prejudice for failure to state a claim or on immunity grounds.

DISPOSITION

other

CASES CITED

- Mylan Lab'ys, Inc. v. Akzo, N.V., 2 F.3d 56, 60 (4th Cir. 1993)
- Koehler v. Dodwell, 152 F.3d 304, 306-07 (4th Cir. 1998)
- Elkins v. Broome, 213 F.R.D. 273, 275 (M.D.N.C. 2003)
- Hafer v. Melo, 502 U.S. 21, 25, 27 (1991)
- Will v. Mich. Dep't of State Police, 491 U.S. 58, 71 (1989)
- Cromer v. Brown, 88 F.3d 1315, 1332 (4th Cir. 1996)
- Philips v. N. Carolina State, No. 5:15-CV-95-F, 2015 WL 9462095, at *6 (E.D.N.C. Dec. 28, 2015), aff'd, 667 F. App'x 419 (4th Cir. 2016)
- Republican Party of N.C. v. Martin, 980 F.2d 943, 952 (4th Cir. 1992)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)

- Venkatraman v. REI Sys., Inc., 417 F.3d 418, 420 (4th Cir. 2005)
- E. Shore Mkts., Inc. v. J.D. Assocs. Ltd. P'ship, 213 F.3d 175, 180 (4th Cir. 2000)
- Davison v. Rose, 19 F.4th 626, 640 (4th Cir. 2021)
- Ridpath v. Bd. of Governors Marshall Univ., 447 F.3d 292, 306 (4th Cir. 2006)
- Rivas-Villegas v. Cortesluna, 595 U.S. 1, 5 (2021)
- Mullenix v. Luna, 577 U.S. 7, 11 (2015)
- City of Escondido, Cal. v. Emmons, 586 U.S. 38, 42 (2019)
- Constantine v. Rectors & Visitors of George Mason Univ., 411 F.3d 474, 499 (4th Cir. 2005)
- Glik v. Cunniffe, 655 F.3d 78 (1st Cir. 2011)
- Frasier v. Evans, 992 F.3d 1003, 1021 (10th Cir. 2021)
- Sharpe v. Winterville Police Dep't, 59 F.4th 674, 681, 683 (4th Cir. 2023)
- Smith v. City of Cumming, 212 F.3d 1332, 1333 (11th Cir. 2000)
- Int'l Soc. for Krishna Consciousness, Inc. v. Lee, 505 U.S. 672, 678-79 (1992)
- Avedisian v. Holcomb, 853 F. Supp. 185, 188 (E.D. Va. 1994)
- Rodriguez v. Roberson, No. 5:23-CV-745-M-BM, 2024 WL 3898446 (E.D.N.C. July 29, 2024), report and recommendation adopted, 2024 WL 3895991 (E.D.N.C. Aug. 21, 2024)
- Soldal v. Cook County, 506 U.S. 56, 61-62 (1992)
- United States v. Mendenhall, 446 U.S. 544, 554 (1980)
- American Mfr's Mut'l Ins. Co. v. Sullivan, 526 U.S. 40, 59 (1999)
- Tigrett v. Rector & Visitors of the Univ. of Va., 290 F.3d 620, 628 (4th Cir. 2002)
- Williams v. Town of Greenburgh, 535 F.3d 71, 75 (2d Cir. 2008)
- McCraw v. City of Oklahoma City, 973 F.3d 1057, 1081 (10th Cir. 2020)
- Porter v. Duval Cnty. Sch. Bd., 406 F. App'x 460, 462 (11th Cir. 2010)
- Catron v. City of St. Petersburg, 658 F.3d 1260, 1266 (11th Cir. 2011)
- Norris v. City of Asheville, 721 F. Supp. 3d 404, 414 (W.D.N.C. 2024)
- West v. Atkins, 487 U.S. 42, 48 (1988)