

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
NORTH CAROLINA, CHARLOTTE DIVISION

Thelma Mackins v. Juan Pablo Sepulveda, et al.

Mackins v. Sepulveda, No. 3:25-CV-00527-KDB-DCK (W.D.N.C. Feb. 2, 2026) · No. 3:25-CV-00527-KDB-DCK · Decided February 2, 2026

SUMMARY

The United States District Court for the Western District of North Carolina considers Defendants’ motion for judgment on the pleadings in a civil rights action arising from the fatal police shooting of Jason Lipscomb. The court holds that the officers’ use of deadly force was objectively reasonable under the Fourth Amendment and, alternatively, protected by qualified immunity. The court grants the motion for judgment on the pleadings.

CASE DETAILS

COURT	United States District Court for the Western District of North Carolina, Charlotte Division
WRITING FOR THE COURT	Kenneth D. Bell
JURISDICTION	United States District Court for the Western District of North Carolina, Charlotte Division
DECIDED	February 2, 2026
DOCKET	3:25-CV-00527-KDB-DCK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought claims under 42 U.S.C. § 1983, including Fourth Amendment excessive-force claims and a Monell claim, together with North Carolina assault-and-battery, equal-protection, and punitive-damages claims. After answering the complaint, defendants moved for judgment on the pleadings under Federal Rule of Civil Procedure 12(c).
STANDARD OF REVIEW	On a Rule 12(c) motion, the court accepts the nonmovant's factual averments as true and draws reasonable inferences in the nonmovant's favor. Judgment is proper when undisputed facts establish that the movant is entitled to judgment as a matter of law. The court generally applies the Rule 12(b)(6) plausibility standard, while considering materials integral to and authentic with the pleadings, including body-

camera video that clearly depicts facts contrary to the complaint or blatantly contradicts its allegations.

PRECEDENTIAL VALUE

Nonprecedential district-court opinion

TOPICS

police misconduct

section 1983

qualified immunity

motion for judgment on the pleadings

civil procedure

PRACTICE AREAS

civil rights

constitutional law

police misconduct

civil procedure

municipal liability

QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged that the officers' use of deadly force violated Lipscomb's Fourth Amendment right to be free from unreasonable seizures.
2. Whether the individual officers were entitled to qualified immunity because their conduct did not violate a constitutional right or, alternatively, because any such right was not clearly established.
3. Whether the absence of a viable excessive-force claim required judgment for defendants on the City's Monell and Fourteenth Amendment equal-protection claims.
4. Whether Officer Beaver was entitled to judgment on the North Carolina assault-and-battery claim.
5. Whether plaintiff could maintain a separate claim for punitive damages after judgment on the underlying claims.

HOLDINGS

1. The court may consider authenticated body-camera videos because they were integral to the complaint and clearly depicted facts contrary to, or blatantly contradicting, material allegations in the complaint.
2. The officers' use of deadly force was objectively reasonable under the totality of the circumstances and therefore did not violate the Fourth Amendment.
3. The individual officers were entitled to qualified immunity because the alleged conduct did not violate the Fourth Amendment and, alternatively, no clearly established law would have put a reasonable officer on notice that deadly force was unlawful in these circumstances.
4. The City's Monell claim and plaintiff's Fourteenth Amendment equal-protection claim could not proceed because both were premised on the alleged wrongful shooting, and the court found no constitutional violation.
5. Officer Beaver was entitled to judgment on the pleadings on the assault-and-battery claim because the court determined that the force used was reasonable and non-excessive.
6. Plaintiff's punitive-damages claim could not survive because punitive damages were sought only as an additional remedy for underlying claims that had been dismissed.

KEY QUOTATIONS

“As a matter of law, the judgment of the Defendants to use deadly force – faced with a suspect who had ignored their pleas that he end his flight and then ran over one of their fellow officers as he continued to flee – was objectively reasonable, not excessive, and did not violate Lipscomb’s Fourth Amendment rights.”
(Section III.B)

“Qualified immunity protects officers who commit constitutional violations but who, in light of clearly established law, could reasonably believe that their actions were lawful.” (Section III.C)

“Defendants’ Motion for Judgment on the Pleadings (Doc. No. 12) is GRANTED” (Section IV)

FACTUAL BACKGROUND

Police officers went to investigate a reported kidnapping involving children who had already been returned safely to their mother. Lipscomb fled to a vehicle despite commands to stop, and the vehicle abruptly reversed, striking and dragging Officer Brown before moving forward toward Detective Sepulveda. Officers Sepulveda, Beaver, and Hamorsky fired at the vehicle; Lipscomb was fatally shot and the vehicle later crashed into a parked car. The court relied on the complaint and authenticated body-camera footage, which it found contradicted material aspects of the complaint's description of the vehicle's movement and the timing of the shooting.

PROCEDURAL HISTORY

Thelma Mackins filed the action on July 19, 2025, arising from the fatal police shooting of Jason Lipscomb on July 20, 2022. Defendants answered and moved for judgment on the pleadings. After briefing and oral argument, the district court granted the motion as to all claims and directed the Clerk to close the case.

DISPOSITION

other

CASES CITED

- Bradley v. Ramsey, 329 F. Supp. 2d 617, 622 (W.D.N.C. 2004)
- Philips v. Pitt County Memorial Hospital, 572 F.3d 176 (4th Cir. 2009)
- Doriety for Est. of Crenshaw v. Sletten, 109 F.4th 670, 679-80 (4th Cir. 2024)
- Alexander v. City of Greensboro, 801 F. Supp. 2d 429, 433 (M.D.N.C. 2011)
- Butler v. United States, 702 F.3d 749, 751-52 (4th Cir. 2012)
- Shipp v. Goldade, No. 5:19-CV-00085-KDB-DCK, 2020 WL 1429248, at *1 (W.D.N.C. Mar. 19, 2020)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Nemet Chevrolet, Ltd. v. Consumeraffairs.com, Inc., 591 F.3d 250, 255 (4th Cir. 2009)
- Republican Party of North Carolina v. Martin, 980 F.2d 943, 952 (4th Cir. 1992)
- Albright v. Oliver, 510 U.S. 266, 271 (1994)
- Maine v. Thiboutot, 448 U.S. 1 (1980)
- Knibbs v. Momphard, 30 F.4th 200, 214, 220 (4th Cir. 2022)

- Hensley ex rel. North Carolina v. Price, 876 F.3d 573, 580, 585 (4th Cir. 2017)
- Barnes v. Felix, 605 U.S. 73, 76, 79-90 (2025)
- Graham v. Connor, 490 U.S. 386, 396-97 (1989)
- Tennessee v. Garner, 471 U.S. 1, 8-11 (1985)
- Plumhoff v. Rickard, 572 U.S. 765, 770, 777 (2014)
- Bell v. Wolfish, 441 U.S. 520, 559 (1979)
- Caraway v. City of Pineville, 111 F.4th 369, 382 (4th Cir. 2024)
- Franklin v. City of Charlotte, 64 F.4th 519, 531 (4th Cir. 2023)
- Craven v. Novelli, 661 F. Supp. 3d 430, 442-47 (W.D.N.C. 2023)
- Est. of Parker v. Mississippi Department of Public Safety, 140 F.4th 226, 239, 242 (5th Cir. 2025)
- Cooper v. Sheehan, 735 F.3d 153, 158-59 (4th Cir. 2013)
- Waterman v. Batton, 393 F.3d 471 (4th Cir. 2005)
- Williams v. Strickland, 917 F.3d 763, 770 (4th Cir. 2019)
- Winfield v. Bass, 106 F.3d 525, 530 (4th Cir. 1997)
- Melgar ex rel. Melgar v. Greene, 593 F.3d 348, 353, 358 (4th Cir. 2010)
- Henry v. Purnell, 652 F.3d 524, 531 (4th Cir. 2011)
- Aleman v. City of Charlotte, 80 F.4th 264, 284 (4th Cir. 2023)
- Rowland v. Perry, 41 F.3d 167, 172 (4th Cir. 1994)
- Hill v. Crum, 727 F.3d 312, 321 (4th Cir. 2013)
- Wilson v. Layne, 526 U.S. 603, 615 (1999)
- E.W. by & through T.W. v. Dolgos, 884 F.3d 172, 185 (4th Cir. 2018)
- A.G. v. Fattaleh, No. 5:20CV00165KDBDCK, 2022 WL 2758607, at *8-9 (W.D.N.C. July 14, 2022)
- Njang v. Montgomery County, Maryland, 279 F. App'x 209, 216 (4th Cir. 2008)
- Sigman v. Town of Chapel Hill, 161 F.3d 782, 789 (4th Cir. 1998)
- Knight Estate of Graham v. City of Fayetteville, 234 F. Supp. 3d 669, 692 (E.D.N.C. 2017)
- Todd v. Creech, 23 N.C. App. 537, 209 S.E.2d 293 (1974)
- Bell v. Dawson, 144 F. Supp. 2d 454, 464 (W.D.N.C. 2001)
- Wilcoxson v. Painter, No. 5:13-CV-732-FL, 2016 WL 866327, at *10 (E.D.N.C. Mar. 3, 2016)
- Glenn-Robinson v. Acker, 140 N.C. App. 606, 625, 538 S.E.2d 601 (2000)
- Smith v. State, 289 N.C. 303, 331, 222 S.E.2d 412 (1976)
- Smith v. Hefner, 235 N.C. 1, 7, 68 S.E.2d 783 (1952)
- Campbell v. Anderson, 156 N.C. App. 371, 376, 576 S.E.2d 726 (2003)
- Wilcox v. City of Asheville, 222 N.C. App. 285, 288, 730 S.E.2d 226 (2012)

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