

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
NORTH CAROLINA

**Laura Saavedra Forero v. University of North Carolina at Chapel
Hill Police Department, et al.**

Forero · No. 1:24cv930 · Decided March 31, 2026

SUMMARY

The United States District Court for the Middle District of North Carolina adopted the magistrate judge’s recommendation concerning defendants’ motion to dismiss Laura Saavedra Forero’s Second Amended Complaint. The court dismissed most claims but allowed specified Fourth Amendment, battery, negligent infliction of emotional distress, Americans with Disabilities Act, and Rehabilitation Act claims to proceed.

CASE DETAILS

COURT	United States District Court for the Middle District of North Carolina
WRITING FOR THE COURT	Thomas D. Schroeder
JURISDICTION	United States District Court for the Middle District of North Carolina
DECIDED	March 31, 2026
DOCKET	1:24cv930
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed objections to a magistrate judge's recommendation concerning defendants' motion to dismiss, conducted a de novo review of the objected-to portions, adopted the recommendation, and granted the motion in part and denied it in part.
STANDARD OF REVIEW	De novo review of the portions of the magistrate judge's recommendation to which objections were made under 28 U.S.C. § 636(b).
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation

TOPICS

[motions to dismiss](#) [qualified immunity](#) [section 1983](#) [police misconduct](#) [ada / disability](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether an amendment to the North Carolina Tort Claims Act deprived the federal district court of jurisdiction over plaintiff's individual-capacity negligent infliction of emotional distress claim.
2. Whether defendants were entitled to qualified immunity at the motion-to-dismiss stage on claims concerning an allegedly overbroad search warrant and excessive force.
3. Whether the motion to dismiss should be granted as to the claims identified in the Second Amended Complaint.

HOLDINGS

1. The court declined to dismiss the claim on that jurisdictional theory because defendants cited no caselaw establishing that the amendment precluded individual-capacity negligence claims in federal court. The motion to dismiss that claim was denied without prejudice to defendants raising the issue at a later stage.
2. Defendants were not entitled to dismissal based on qualified immunity because, under the Fourth Circuit's split burden of proof, plaintiff sufficiently alleged violations of her rights and defendants failed to show that those rights were not clearly established.
3. The motion to dismiss was granted in part and denied in part. All claims were dismissed except the specified Section 1983 claims against individual defendants, North Carolina battery and negligent infliction of emotional distress claims against individual defendants, and ADA and Rehabilitation Act accommodation claims against UNC-CH.

KEY QUOTATIONS

"The plaintiff bears the burden of showing a violation of their rights, while the defendant bears the burden of proving that the right was not clearly established."

"The court therefore adopts the Magistrate Judge's Recommendation."

FACTUAL BACKGROUND

Plaintiff alleged that defendants obtained and served a search warrant in a manner that involved an overbroad warrant, excessive force, battery, and negligent infliction of emotional distress. She also alleged that the University of North Carolina at Chapel Hill failed to reasonably accommodate her disability during service of the warrant. The court concluded that the Second Amended Complaint sufficiently alleged constitutional violations and facts supporting claims for damages against specified defendants.

PROCEDURAL HISTORY

A magistrate judge filed a recommendation on March 13, 2026, and defendants filed timely objections. The district court reviewed the challenged portions de novo, rejected defendants' arguments concerning jurisdiction over the individual-capacity negligent infliction of emotional distress claim and qualified immunity, and adopted

the recommendation. The court dismissed all claims except specified Section 1983, battery, negligent infliction of emotional distress, Americans with Disabilities Act, and Rehabilitation Act claims.

DISPOSITION

other

CASES CITED

- Neal v. Carter, No. 5:24-CT-3138-FL, 2026 WL 820852, at *5 & n.4 (E.D.N.C. Mar. 25, 2026)
- Carias v. North Carolina Dep't of Pub. Safety, No. 1:24-CV-765 (RDA/JLW), 2025 WL 2404530, at *8 (M.D.N.C. Aug. 19, 2025)
- Stanton v. Elliott, 25 F.4th 227, 233 (4th Cir. 2022)
- Knibbs v. Momphard, 30 F.4th 200, 227 (4th Cir. 2022)
- Andrews v. Crump, 547 S.E.2d 117, 123 (N.C. Ct. App. 2001)

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