

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

James Alexander Ray v. Brevard Police Department, et al.

No. 1:26-cv-00078-MR (W.D.N.C. Mar. 18, 2026) · No. 1:26-cv-00078-MR · Decided March 19, 2026

SUMMARY

The United States District Court for the Western District of North Carolina conducts an initial review of James Alexander Ray’s pro se 42 U.S.C. § 1983 complaint against the Brevard Police Department, Transylvania County Jail, a district attorney, and the People of North Carolina. The court concludes that the complaint fails to state a claim for several reasons, including the non-suable status of the police department and jail, prosecutorial immunity, the Heck bar, and possible statute-of-limitations issues. The court dismisses the complaint and defendants without prejudice, denies appointment of counsel, and allows Ray 30 days to amend.

CASE DETAILS

COURT	United States District Court for the Western District of North Carolina, Asheville Division
WRITING FOR THE COURT	Martin Reidinger
JURISDICTION	United States District Court for the Western District of North Carolina, Asheville Division
DECIDED	March 19, 2026
DOCKET	1:26-cv-00078-MR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Prisoner civil-rights action under 42 U.S.C. § 1983 reviewed sua sponte at the initial-review stage while plaintiff proceeded in forma pauperis.
STANDARD OF REVIEW	Under 28 U.S.C. §§ 1915(e)(2) and 1915A, the court must dismiss an in forma pauperis or prisoner complaint that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. Pro se pleadings are liberally construed, but liberal construction does not permit the court to disregard a clear failure to allege a cognizable federal claim.
PRECEDENTIAL VALUE	unpublished district court memorandum; nonprecedential

TOPICS

section 1983 prisoners rights civil procedure statute of limitations post-conviction relief

PRACTICE AREAS

civil rights constitutional law civil procedure criminal procedure prisoner litigation

QUESTIONS PRESENTED

1. Whether the complaint stated a cognizable claim under 42 U.S.C. § 1983 against a county jail and police department.
2. Whether the claims against the prosecutor and the People of North Carolina were barred by immunity or failure to identify a suable person.
3. Whether Heck v. Humphrey barred claims whose success would necessarily imply the invalidity of an outstanding conviction or sentence.
4. Whether the claims appeared barred by the applicable statute of limitations.
5. Whether allegations concerning individuals omitted from the caption could proceed.
6. Whether plaintiff demonstrated exceptional circumstances warranting appointment of counsel.

HOLDINGS

1. A jail and a police department are not persons subject to suit under § 1983; therefore, the complaint failed to state a claim against those entities.
2. The claims against the prosecutor were barred by prosecutorial immunity, and the People of North Carolina, particularly as members of a grand jury, were not subject to suit under § 1983.
3. A criminal defendant has no constitutional or other identified right to testify or confront witnesses before a grand jury.
4. The complaint appeared barred by Heck because success on the claims would necessarily imply the invalidity of an outstanding conviction or sentence, and plaintiff did not allege that the conviction or sentence had been invalidated.
5. Even if Heck did not bar the claims, they appeared potentially barred by the applicable statute of limitations.
6. Claims against individuals not named in the complaint's caption were dismissed without prejudice because Rule 10(a) requires the title of the complaint to name all parties.
7. The court declined to exercise supplemental jurisdiction over the state-law claims because no federal claim passed initial review.
8. Appointment of counsel was denied because plaintiff had not shown exceptional circumstances, particularly where he had not demonstrated that a viable claim would pass initial review.

KEY QUOTATIONS

“Thus, when a state prisoner seeks damages in a § 1983 suit, the district court must consider whether a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence; if it would, the complaint must be dismissed unless the plaintiff can demonstrate that the conviction or sentence has already been invalidated.” (at 4-5)

“There is no absolute right to the appointment of counsel in civil actions such as this one.” (at 7)

FACTUAL BACKGROUND

Ray, a North Carolina prisoner, alleged that the Brevard Police Department arrested him without probable cause in July 2017, that he was indicted in August 2017, and that he was denied a probable-cause hearing and unlawfully detained at the Transylvania County Jail for two years. He also alleged prosecutorial misconduct relating to his inability to testify before the grand jury and sought, among other relief, vacatur of his conviction, release from custody, and monetary damages. The complaint did not allege that any conviction or sentence had been reversed, expunged, declared invalid, or called into question by habeas relief.

PROCEDURAL HISTORY

James Alexander Ray filed a pro se § 1983 complaint against the Brevard Police Department, Transylvania County Jail, District Attorney Elizabeth Dierauf, and the People of North Carolina. The court conducted mandatory screening under 28 U.S.C. §§ 1915(e)(2) and 1915A, determined that the complaint failed to state a claim and was subject to multiple apparent bars, denied appointment of counsel, dismissed all defendants, and granted plaintiff thirty days to amend. The dismissal was without prejudice if plaintiff failed to amend in accordance with the order.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

Plaintiff was given thirty days to file an amended complaint addressing whether Heck applies, whether the claims are barred by applicable limitations periods, and whether he can otherwise state a claim for relief. Failure to timely amend would result in dismissal without prejudice and without further notice.

CASES CITED

- *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989)
- *Haines v. Kerner*, 404 U.S. 519, 520 (1972)
- *Weller v. Dep’t of Soc. Servs.*, 901 F.2d 387 (4th Cir. 1990)
- *Am. Mfrs. Mut. Ins. Co. v. Sullivan*, 526 U.S. 40, 49-50 (1999)
- *Health & Hosp. Corp. of Marion Cnty. v. Talevski*, 599 U.S. 166, 143 S. Ct. 1444 (2023)
- *Brooks v. Pembroke Jail*, 722 F. Supp. 1294, 1301 (E.D.N.C. 1989)
- *Wilkerson v. Chapel Hill Police Dept.*, No. 1:09CV60, 2009 WL 1505614, at *1 (M.D.N.C. May 27, 2009)
- *Imbler v. Pachtman*, 424 U.S. 409, 419, 423 n.20 (1976)

- State v. Jones, 354 S.E.2d 251, 258 (N.C. Ct. App. 1987)
- Heck v. Humphrey, 512 U.S. 477, 486-87 (1994)
- Nat'l Adv. Co. v. City of Raleigh, 947 F.2d 1158, 1162 n.2 (4th Cir. 1991)
- Myles v. United States, 416 F.3d 551 (7th Cir. 2005)
- Perez v. Humphries, No. 3:18-cv-107-GCM, 2018 WL 4705560, at *1 (W.D.N.C. Oct. 1, 2018)
- Artis v. District of Columbia, 583 U.S. 71, 74 (2018)
- Miller v. Simmons, 814 F.2d 962, 966 (4th Cir. 1987)
- Whisenant v. Yuam, 739 F.2d 160, 162-63 (4th Cir. 1984)
- Jenkins v. Woodard, 109 F.4th 242, 247-48 (4th Cir. 2024)
- Brock v. City of Richmond, 983 F.2d 1055, 1055 (4th Cir. 1993) (per curiam)

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