

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
NORTH CAROLINA

Jennifer Ysuiza Moreno v. Union County and Tiffany Porter;
Jennifer Ysuiza Moreno v. Ashley Lantz, Tiara Owens, Kevin
Alexander, Rocio Avila Ramirez, Union County, and Mary Liantonio

Moreno · No. 3:25-CV-00991-KDB-DCK; 3:25-CV-01028-KDB-DCK · Decided January 12, 2026

SUMMARY

The United States District Court for the Western District of North Carolina consolidated consideration of Jennifer Ysuiza Moreno’s motions to proceed in forma pauperis in two related actions against Union County officials and employees. The court granted the motions for purposes of initial review but dismissed both complaints without prejudice, concluding that the alleged First, Fourth, and Fourteenth Amendment, parental-rights, supervisory-liability, and Monell claims were insufficiently pleaded.

CASE DETAILS

COURT	United States District Court for the Western District of North Carolina
WRITING FOR THE COURT	Kenneth D. Bell
JURISDICTION	United States District Court for the Western District of North Carolina
DECIDED	January 12, 2026
DOCKET	3:25-CV-00991-KDB-DCK; 3:25-CV-01028-KDB-DCK
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff moved to proceed in forma pauperis in two civil-rights actions. The court conducted the mandatory initial review under 28 U.S.C. § 1915(e)(2) and dismissed both complaints without prejudice.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court reviewed whether the complaints were frivolous, malicious, or failed to state a claim. The court construed the pro se pleadings liberally but required allegations sufficient to state a cognizable federal claim.
PRECEDENTIAL VALUE	unpublished district court memorandum and order

PARTIES

Jennifer Ysuiza Moreno v. Union County, Tiffany Porter, Ashley Lantz, Tiara Owens, Kevin Alexander, Rocio Avila Ramirez, Mary Liantonio

TOPICS

section 1983 civil rights due process first amendment parental rights

PRACTICE AREAS

civil rights constitutional law civil procedure family law

QUESTIONS PRESENTED

1. Whether Moreno's allegations stated a First Amendment retaliation claim based on her continued communication with her husband and the DSS defendants' use of information from a public bond hearing.
2. Whether Moreno stated a substantive due process claim against Porter based on use of information disclosed during the bond hearing.
3. Whether the DSS defendants' investigation, court-authorized removal of the children, interviews, and sexual-assault examination plausibly violated Moreno's Fourth and Fourteenth Amendment rights or parental rights.
4. Whether Moreno's supervisory-liability and Monell claims could proceed when the underlying § 1983 claims failed.
5. Whether Moreno qualified to proceed in forma pauperis for purposes of initial review.

HOLDINGS

1. Moreno failed to state a First Amendment retaliation claim because communicating with her husband, without more, was not alleged to be protected First Amendment activity, and the complaints did not plausibly allege the elements of retaliation.
2. Moreno failed to state a substantive due process claim against Porter because she alleged no specific conduct sufficiently egregious or conscience-shocking to satisfy the demanding standard for such a claim.
3. Moreno failed to state viable parental-rights, Fourth Amendment, or Fourteenth Amendment claims against the DSS defendants.
4. Moreno's supervisory-liability and Monell claims failed because her underlying § 1983 claims failed.
5. The court granted Moreno's motions to proceed in forma pauperis for the limited purpose of conducting initial review.

KEY QUOTATIONS

“Although the integrity of the family unit is a “fundamental precept firmly ensconced in the Constitution and shielded by Due Process,” it is “neither absolute nor unqualified.””

FACTUAL BACKGROUND

Moreno alleged that Union County DSS employees investigated potential sexual abuse of her eleven-year-old daughter after her husband was arrested. She alleged that DSS personnel used information from her husband's public bond hearing, impeded reunification efforts, sought removal of the children from her care, mischaracterized information in a removal petition, and authorized a sexual-assault examination of the child without her consent. She asserted First, Fourth, and Fourteenth Amendment, parental-rights, supervisory-liability, and Monell claims.

PROCEDURAL HISTORY

Moreno filed two complaints under 42 U.S.C. § 1983 concerning Union County Department of Social Services actions involving her children and her husband's arrest and related proceedings. The court conditionally granted her motions to proceed in forma pauperis solely for purposes of initial review, then dismissed both complaints without prejudice for failure to state viable constitutional claims.

DISPOSITION

dismissed

CASES CITED

- Neitzke v. Williams, 490 U.S. 319, 325, 327-28 (1989)
- Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 342-43 (1948)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Weller v. Department of Social Services, 901 F.2d 387 (4th Cir. 1990)
- City of Monterey v. Del Monte Dunes at Monterey, Ltd., 526 U.S. 687, 707 (1999)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Constantine v. Rectors & Visitors of George Mason University, 411 F.3d 474, 499 (4th Cir. 2005)
- Suarez Corp. Industries v. McGraw, 202 F.3d 676, 686 (4th Cir. 2000)
- DR Distributors, LLC v. 21 Century Smoking, Inc., 616 F. Supp. 3d 769, 786 (N.D. Ill. 2022)
- Baldwin v. Fletcher, No. 5:23-CV-00197-KDB-DCK, 2024 WL 4942397, at *7 (W.D.N.C. Dec. 2, 2024)
- MLC Automotive, LLC v. Town of Southern Pines, 532 F.3d 269, 281 (4th Cir. 2008)
- Dean ex rel. Harkness v. McKinney, 976 F.3d 407, 413 (4th Cir. 2020)
- Washington v. Housing Authority of the City of Columbia, 58 F.4th 170, 177 (4th Cir. 2023)
- Martin v. Saint Mary's Department of Social Services, 346 F.3d 502, 506 (4th Cir. 2003)
- Hodge v. Jones, 31 F.3d 157, 163 (4th Cir. 1994)
- Renn v. Garrison, 100 F.3d 344, 349-50 (4th Cir. 1996)

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