

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA, CHARLESTON DIVISION

Philip Kaso, et al. v. James L. Mitchell, in his official capacity as
Superintendent of West Virginia State Police

Kaso v. Mitchell · No. 2:25-cv-00603 · Decided May 4, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia grants the defendant’s motion to dismiss a challenge to West Virginia’s \$125 annual sex-offender registry fee. The court holds that the plaintiffs failed to plausibly allege that the fee was grossly disproportionate under the Eighth Amendment or lacked a rational basis under the Fourteenth Amendment. The court dismisses the matter without prejudice and terminates the motion for a preliminary injunction as moot.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia, Charleston Division
WRITING FOR THE COURT	Irene C. Berger
JURISDICTION	United States District Court for the Southern District of West Virginia, Charleston Division
DECIDED	May 4, 2026
DOCKET	2:25-cv-00603
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiffs brought a putative class action under 42 U.S.C. § 1983 challenging West Virginia's \$125 annual sex-offender registry fee under the Eighth and Fourteenth Amendments. Defendant moved to dismiss under Federal Rule of Civil Procedure 12(b)(6), and plaintiffs moved for a preliminary injunction and leave to file a sur-reply.
STANDARD OF REVIEW	Under Rule 12(b)(6), the court tests the legal sufficiency of the complaint. It accepts well-pleaded factual allegations as true, draws reasonable factual inferences in plaintiffs' favor, disregards bare legal conclusions and unwarranted inferences, and asks whether the complaint contains sufficient factual matter to state a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished

PARTIES

Philip Kaso, Stephen Basham, Roderick Patton, all others similarly situated v. James L. Mitchell, in his official capacity as Superintendent of West Virginia State Police

TOPICS

motions to dismiss

excessive fines

equal protection

procedural due process

section 1983

PRACTICE AREAS

constitutional law

civil rights

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether plaintiffs plausibly alleged that West Virginia's \$125 annual sex-offender registry fee is a punitive and grossly disproportionate fine prohibited by the Eighth Amendment's Excessive Fines Clause.
2. Whether imposing the same registry fee on indigent and nonindigent registrants, with nonpayment resulting in a judgment lien, violates equal protection.
3. Whether procedural due process requires an ability-to-pay hearing before imposing the registry fee or entering a judgment lien.

HOLDINGS

1. Plaintiffs failed to state an Excessive Fines Clause claim because they did not plead facts permitting a finding that the \$125 annual fee was grossly disproportionate to the seriousness of the offenses requiring registration.
2. Plaintiffs failed to state an equal protection claim because the fee classification survives rational-basis review.
3. Plaintiffs failed to state a procedural due process claim because the Constitution does not require an ability-to-pay hearing before the registry fee is imposed or a resulting judgment lien is entered.

KEY QUOTATIONS

“The Court cannot find that the \$125 annual fee is grossly disproportionate to even the least culpable of sex offenders, and even to those who may be required to pay it every year for several decades with lifetime registration.” (7)

“Because the legislature could have believed the fee to be a reasonable method of both defraying the costs of administering the sex offender registry and funding mental health services for the State Police, it passes rational basis muster.” (10)

“Because the Defendants are not required to evaluate a registrant’s ability to pay prior to imposing the fee or entering a judgment lien, due process does not require that a hearing be provided.” (11)

“The Defendant’s Motion to Dismiss (Document 7) be GRANTED, that Plaintiffs’ Motion for Preliminary Injunction (Document 17) be TERMINATED as moot, and that this matter be DISMISSED without prejudice.”
(11)

FACTUAL BACKGROUND

The plaintiffs are subject to West Virginia's Sex Offense Registration Act and are required to register for life. The Act imposes a \$125 annual fee on each registrant, regardless of ability to pay or indigency; failure to pay results in a judgment lien on the registrant's property. The fee is designated for mental-health services for current and former West Virginia State Police employees and other uses essential to State Police operations, rather than directly funding registry administration. Plaintiffs alleged that the fee was an excessive fine and violated equal protection and due process.

PROCEDURAL HISTORY

Plaintiffs filed a civil-rights complaint challenging the registry fee and seeking class certification, declaratory relief, injunctive relief, attorney's fees, and costs. Defendant moved to dismiss. The court granted leave to file the sur-reply, granted the motion to dismiss, terminated the preliminary-injunction motion as moot, and dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Francis v. Giacomelli, 588 F.3d 186, 192-93 (4th Cir. 2009)
- Giarratano v. Johnson, 521 F.3d 298, 302 (4th Cir. 2008)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 557, 570 (2007)
- Erickson v. Pardus, 551 U.S. 89, 93 (2007)
- Edwards v. City of Goldsboro, 178 F.3d 231, 244 (4th Cir. 1999)
- E. Shore Mkts. v. J.D. Assocs. Ltd. P'ship, 213 F.3d 175, 180 (4th Cir. 2000)
- United States v. Bajakajian, 524 U.S. 321, 327, 334 (1998)
- Browning-Ferris Industries of Vt., Inc. v. Kelco Disposal, Inc., 492 U.S. 257, 265 (1989)
- Korangy v. U.S. F.D.A., 498 F.3d 272, 277 (4th Cir. 2007)
- United States v. Jalaram, Inc., 599 F.3d 347, 351, 354 (4th Cir. 2010)
- Smith v. Doe, 538 U.S. 84, 92 (2003)
- Mueller v. Raemisch, 740 F.3d 1128, 1133-34 (7th Cir. 2014)
- Timbs v. Indiana, 586 U.S. 146, 153-54 (2019)
- Bearden v. Georgia, 461 U.S. 660, 665 (1983)
- M.L.B. v. S.L.J., 519 U.S. 102, 120-24 (1996)

- Griffin v. Illinois, 351 U.S. 12, 19 (1956)
- Mayer v. City of Chicago, 404 U.S. 189, 196-97 (1971)
- Williams v. Illinois, 399 U.S. 235, 242 (1970)
- Tate v. Short, 401 U.S. 395, 399 (1971)
- Boddie v. Connecticut, 401 U.S. 371, 382 (1971)
- Little v. Streater, 452 U.S. 1, 12 (1981)
- Ortwein v. Schwab, 410 U.S. 656, 659 (1973)
- United States v. Kras, 409 U.S. 434, 446 (1973)
- Lehnhausen v. Lake Shore Auto Parts Co., 410 U.S. 356, 364 (1973)
- United States R.R. Retirement Bd. v. Fritz, 449 U.S. 166, 179 (1980)