

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
NORTH CAROLINA

Roger Alan Connell v. The State of North Carolina

Connell · No. 1:25CV986 · Decided March 11, 2026

SUMMARY

The United States Magistrate Judge recommends dismissal of Roger Alan Connell’s pro se complaint against the State of North Carolina concerning alleged abuse of power, disability-law violations, excessive fines, race discrimination, and age discrimination arising from traffic infractions and repeated visits to the DMV. The recommendation concludes that the State is immune from suit under the Eleventh Amendment and is not a person subject to liability under 42 U.S.C. § 1983, and grants in forma pauperis status for the limited purpose of considering dismissal.

CASE DETAILS

COURT	United States District Court for the Middle District of North Carolina
WRITING FOR THE COURT	Gibson McFadden
JURISDICTION	United States District Court for the Middle District of North Carolina
DECIDED	March 11, 2026
DOCKET	1:25CV986
DISPOSITION	other
PROCEDURAL POSTURE	A pro se plaintiff applied to proceed in forma pauperis and asserted claims against the State of North Carolina arising from traffic infractions, a failed vehicle inspection, and repeated visits to the North Carolina Division of Motor Vehicles. The magistrate judge granted in forma pauperis status for the limited purpose of screening and recommended dismissal under 28 U.S.C. § 1915(e)(2)(B)(ii).
STANDARD OF REVIEW	On in forma pauperis screening, the court must dismiss a case that fails to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii). The court accepts well-pleaded facts as true, construes them in the light most favorable to the plaintiff, liberally construes a pro se complaint, and disregards legal conclusions, unwarranted inferences, unreasonable conclusions, and bare assertions lacking factual enhancement.
PRECEDENTIAL VALUE	unpublished

TOPICS

sovereign immunity

section 1983

motions to dismiss

civil procedure

ada / disability

PRACTICE AREAS

civil rights

constitutional law

civil procedure

sovereign immunity

disability discrimination

QUESTIONS PRESENTED

1. Whether the pro se complaint stated a claim for relief under 42 U.S.C. § 1983 against the State of North Carolina.
2. Whether sovereign immunity barred the plaintiff's claims against the State of North Carolina.
3. Whether the complaint should be dismissed during in forma pauperis screening under 28 U.S.C. § 1915(e)(2)(B)(ii).

HOLDINGS

1. The complaint did not state a claim under § 1983 because the State of North Carolina is not a person subject to liability under § 1983.
2. Sovereign immunity barred Connell's claims against the State of North Carolina because the State had not consented to suit and Congress had not validly abrogated its immunity for § 1983 claims.
3. The complaint should be dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim.

KEY QUOTATIONS

“The State cannot be sued without its consent.”

“A pro se plaintiff’s complaint must be construed liberally in his favor.”

FACTUAL BACKGROUND

Connell alleged that North Carolina was liable for abuse of power, violations of federal disability laws, excessive fines, race discrimination, and age discrimination arising from two traffic infractions involving a failed inspection. He also alleged that the North Carolina Division of Motor Vehicles required him to return to the license office three times. He sought restitution, revocation of officials' authority to practice and administer law, garnishment of government officials' funds, and a permanent exemption inspection sticker for his vehicle.

PROCEDURAL HISTORY

Connell filed a pro se complaint and an application to proceed in forma pauperis. The court granted the application solely to permit consideration of a recommendation of dismissal, screened the complaint, and recommended dismissal for failure to state a claim because the State of North Carolina is immune from the asserted § 1983 claims and is not a person subject to liability under § 1983.

DISPOSITION

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Walters v. McMahan, 684 F.3d 435, 439 (4th Cir. 2012)
- Nemet Chevrolet, Ltd. v. Consumeraffairs.com, Inc., 591 F.3d 250, 255 (4th Cir. 2009)
- Jehovah v. Clarke, 798 F.3d 169, 176 (4th Cir. 2015)
- Cannon v. Peck, 36 F.4th 547, 574 (4th Cir. 2022)
- Wray v. City of Greensboro, 802 S.E.2d 894, 898 (N.C. 2017)
- Smith v. State, 222 S.E.2d 412, 417 (N.C. 1976)
- Allen v. Cooper, 589 U.S. 248, 255 (2020)
- Seminole Tribe of Florida v. Florida, 517 U.S. 44, 56 (1996)
- Biggs v. North Carolina Department of Public Safety, 953 F.3d 236, 241 (4th Cir. 2020)
- Quern v. Jordan, 440 U.S. 332, 345 (1979)
- Hafer v. Melo, 501 U.S. 21, 27 (1991)
- Singh v. University of North Carolina at Chapel Hill, 659 F. Supp. 3d 659, 669 (M.D.N.C. 2023)
- Loftus v. Bobzien, 848 F.3d 278, 284-285 (4th Cir. 2017)
- Doe v. Rosa, 795 F.3d 429, 436 (4th Cir. 2015)
- Crosby v. City of Gastonia, 635 F.3d 634, 639 (4th Cir. 2011)
- Will v. Michigan Department of State Police, 491 U.S. 58, 71 (1989)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA ROGER ALAN CONNELL,)) Plaintiff,)) v.) 1:25CV986) THE STATE OF NORTH) CAROLINA,)) Defendant.) ORDER, MEMORANDUM OPINION, AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE This matter is before the Court on pro The Court must dismiss a case filed in se Plaintiff Roger Alan Connell's forma pauperis if it fails to state a application to proceed in forma claim on which relief may be granted. pauperis.

See Docket Entry 1. For the 28 U.S.C. § 1915(e)(2)(B). To state a reasons set forth below, the Court will claim, "a complaint must contain grant the application for the limited sufficient factual matter, accepted as purpose of allowing the Court to true, to 'state a claim to relief that is consider a recommendation of plausible on its face.'" Ashcroft v. dismissal.

Iqbal, 556 U.S. 662, 678 (2009) (quoting and citing Bell Atlantic Corp. I. DISCUSSION v. Twombly, 550 U.S. 544, 570 (2007)). That is, a plaintiff must Connell alleges the State of North

make factual allegations that are Carolina is liable for abuse of power, “enough to raise a right to relief above violation of federal disability laws, the speculative level.” See *Bell* excessive fines, race discrimination, *Atlantic Corp.*, 550 U.S. at 555 and age discrimination stemming two (citation modified). “Thus, while a traffic infractions for a failed plaintiff does not need to demonstrate inspection and the North Carolina in a complaint that the right to relief Department of Motor Vehicles’ is ‘probable,’ the complaint must requiring Connell to return to the advance the plaintiff’s claim ‘across license office three times.

See the line from conceivable to generally Compl., Docket Entry 2. plausible.” *Walters v. McMahan*, 684 F.3d 435, 439 (4th Cir. 2012) (quoting *Twombly*, 550 U.S. at 570). The recognized rights. He seeks Court “accepts all well-pled facts as “restitution,” the revocation of the true and construes these facts in the agents’ and officers’ ability to practice light most favorable to the plaintiff, and administer law, the garnishment but does not consider legal of the district attorney’s, police’s, and conclusions, elements of a cause of sheriff’s funds, and a permanent action, and bare assertions devoid of exemption inspection sticker for his factual enhancement[,]. . . car.

See Compl. unwarranted inferences, unreasonable conclusions, or The State of North Carolina, the only arguments.” *Nemet Chevrolet, Ltd. v. defendant named*, is immune from *Consumeraffairs.com, Inc.*, 591 F.3d this suit. Courts have long recognized 250, 255 (4th Cir. 2009) (citation that “[u]nder the doctrine of modified). A pro se plaintiff’s sovereign immunity, the State is complaint must be construed liberally immune from suit absent waiver of in his favor.

See *Jehovah v. Clarke*, immunity.” *Cannon v. Peck*, 36 F.4th 798 F.3d 169, 176 (4th Cir. 2015). 547, 574 (4th Cir. 2022) (quoting *Wray v. City of Greensboro*, 802 Connell appears to bring his claims S.E.2d 894, 898 (N.C. 2017)).

In under 42 U.S.C. § 1983, which other words, “the State cannot be sued “imposes liability on state actors who without its consent[.]” *Smith v. State*, cause the deprivation of any rights, 222 S.E.2d 412, 417 (N.C. 1976). privileges, or immunities secured by the Constitution.” *Loftus v. Bobzien*, The United States Supreme Court 848 F.3d 278, 284 (4th Cir. 2017) “has permitted a federal court to (quoting *Doe v. Rosa*, 795 F.3d 429, entertain a suit against a 436 (4th Cir.

2015)). “To state a claim nonconsenting State on two under § 1983 a plaintiff ‘must allege conditions.” *Allen v. Cooper*, 589 U.S. the violation of a right secured by the 248, 255 (2020). “First, Congress Constitution and the laws of the must have enacted ‘unequivocal United States, and must show that the statutory language’ abrogating the alleged deprivation was committed by States’ immunity from the suit.” *Id.* a person acting under color of state (quoting *Seminole Tribe of Florida v. law.*” *Id.* at 284-85 (quoting *Crosby v. Florida*, 517 U.S. 44, 56 (1996)). “And City of Gastonia, 635 F.3d 634, 639 second, some constitutional provision (4th Cir.

2011)). A State is not a must allow Congress to have thus “person” under § 1983. *Will v. Mich.* encroached on the States’ Dep’t of State Police, 491 U.S. 58, 71 sovereignty.” *Id.*; see also *Biggs v.* (1989). N.C. Dep’t of Pub. Safety, 953 F.3d 236, 241 (4th Cir. 2020) (“[S]tate Here, Connell claims the State of sovereign immunity bars all claims by North Carolina violated his private citizens against state constitutional and other federally governments and their agencies, except where Congress has validly Chapel Hill, 659 F. Supp. 3d 659, 669 abrogated that immunity or the state (M.D.N.C.

2023). has waived it.”) (citation omitted). Therefore, the Court should dismiss “Congress has not abrogated Connell’s Complaint. sovereign immunity for § 1983 suits[.]” *Id.* (citing *Quern v. Jordan, II.* CONCLUSION 440 U.S. 332, 345 (1979), overruled on other grounds, *Hafer v. Melo*, 501 It is therefore ORDERED that U.S. 21, 27 (1991)). And “North Connell’s application to proceed in Carolina has not consented to being forma pauperis, Docket Entry 1, is sued under § 1983 and therefore has GRANTED for the limited purpose not waived sovereign immunity in of allowing the Court to consider a that context.” *Singh v. Univ. of N.C.* at recommendation of dismissal.

It is RECOMMENDED that this case be dismissed under 28 U.S.C. § 1915(e)(2)(B) (ii) for failure to state a claim. J if Gibson McFadden United States Magistrate Judge March 11, 2026 Durham, North Carolina