

**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

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

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