

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Michael Turley v. Spencer Cox, Jon Pierpont, and John Barrand

No. 2:25-cv-00685-DBB-JCB (D. Utah June 12, 2026) · No. 2:25-cv-00685-DBB-JCB · Decided June 12, 2026

SUMMARY

The United States District Court for the District of Utah considers Defendants’ motion to dismiss claims arising from Michael Turley’s removal as Adjutant General of the Utah National Guard. The court grants qualified immunity on the substantive due process claim but concludes that the complaint plausibly alleges a violation of clearly established procedural due process rights. The court also addresses the admissibility of documents outside the pleadings and begins analyzing claims for wrongful termination, statutory violations, and civil conspiracy.

CASE DETAILS

COURT	United States District Court for the District of Utah
WRITING FOR THE COURT	David Barlow
JURISDICTION	United States District Court for the District of Utah
DECIDED	June 12, 2026
DOCKET	2:25-cv-00685-DBB-JCB
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss an amended complaint asserting substantive and procedural due process, wrongful termination, violation of Utah Code § 39A-1-201, and civil conspiracy claims.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and views them in the light most favorable to the plaintiff, assessing whether the complaint is legally sufficient to state a claim. The court also applied the qualified-immunity two-part inquiry: whether the defendant violated a statutory or constitutional right and whether that right was clearly established.
PRECEDENTIAL VALUE	Unknown; federal district court memorandum decision and order

TOPICS

procedural due process

substantive due process

qualified immunity

motions to dismiss

employment at-will

PRACTICE AREAS

constitutional law

civil rights

employment law

civil procedure

QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged that defendants violated Turley's substantive due process rights by terminating him for arbitrary or capricious reasons.
2. Whether defendants were entitled to qualified immunity on Turley's due process claims at the motion-to-dismiss stage.
3. Whether the complaint plausibly alleged a procedural due process violation where defendants allegedly terminated Turley without providing notice of the specific charges, an explanation of the evidence, and a meaningful opportunity to respond.
4. Whether Utah Code § 39A-1-201 creates a private right of action or supports a wrongful termination claim.
5. Whether the civil conspiracy claim failed because the underlying wrongful termination tort was inadequately pleaded.

HOLDINGS

1. The complaint did not plausibly allege conduct sufficiently arbitrary, outrageous, or conscience-shocking to violate substantive due process, and defendants were entitled to qualified immunity on the substantive due process claim.
2. The complaint plausibly alleged that defendants violated Turley's clearly established procedural due process rights by terminating him without adequate notice of the charges, an explanation of the employer's evidence, and an opportunity to respond.
3. Turley could not maintain a wrongful termination claim based on Utah Code § 39A-1-201 because the statute does not create an express or implied private right of action.
4. Turley could not maintain a direct claim against defendants for violation of Utah Code § 39A-1-201 because the statute does not create a private right of action.
5. The civil conspiracy claim was properly dismissed because Turley did not adequately plead the underlying wrongful termination tort.

KEY QUOTATIONS

“An essential principle of due process is that a deprivation of life, liberty or property be preceded by notice and opportunity for hearing appropriate to the nature of the case.” (11)

“Before termination, Plaintiff was due oral or written notice of the allegations against him and an explanation of the employer’s evidence.” (14)

“Overall, Utah Courts rarely find an implied private right of action.” (18)

FACTUAL BACKGROUND

Governor Gary Herbert appointed Michael Turley as Utah's Adjutant General in 2019. After an Army Inspector General investigation and anonymous allegations concerning Turley, state officials conducted a limited investigation but concluded that they lacked actionable information and recommended awaiting the Army investigation's conclusion. In August 2023, officials allegedly gave Turley 90 minutes to resign or face termination, and he submitted a resignation stating an effective date approximately one month later; the Governor appointed a replacement immediately. Turley later attempted to rescind the resignation, but the state declined to accept the rescission.

PROCEDURAL HISTORY

Plaintiff sued Utah Governor Spencer Cox and state officials concerning the termination of his position as Adjutant General of the Utah National Guard. Defendants moved to dismiss. The court considered certain documents incorporated by reference into the complaint but excluded other documents submitted with the motion. The court dismissed the substantive due process, wrongful termination, statutory violation, and civil conspiracy claims without prejudice, while allowing the procedural due process claim to proceed.

DISPOSITION

other

CASES CITED

- Smith v. United States, 561 F.3d 1090, 1098 (10th Cir. 2009)
- Moore v. Guthrie, 438 F.3d 1036, 1039 (10th Cir. 2006)
- Sutton v. Utah State School for Deaf & Blind, 173 F.3d 1226, 1236 (10th Cir. 1999)
- Slater v. A.G. Edwards & Sons, 719 F.3d 1190, 1196 (10th Cir. 2013)
- Waller v. Denver, 932 F.3d 1277, 1282 (10th Cir. 2019)
- GFF Corp. v. Associated Wholesale Grocers, Inc., 130 F.3d 1381, 1384 (10th Cir. 1997)
- Tahlequah v. Bond, 595 U.S. 9, 12 (2021)
- District of Columbia v. Wesby, 583 U.S. 48, 63 (2018)
- Ashcroft v. al-Kidd, 563 U.S. 731, 735, 741 (2011)
- Riggins v. Goodman, 572 F.3d 1101, 1107-08 (10th Cir. 2009)
- A.M. v. Holmes, 830 F.3d 1123, 1134-35 (10th Cir. 2016)
- Darr v. Telluride, 495 F.3d 1243, 1257 (10th Cir. 2007)
- Sacramento v. Lewis, 523 U.S. 833, 846 (1998)
- Doe v. Woodard, 912 F.3d 1278, 1300 (10th Cir. 2019)
- Tonkovich v. Kansas Board of Regents, 159 F.3d 504, 528 (10th Cir. 1998)
- Uhlig v. Harder, 64 F.3d 567 (10th Cir. 1995)

- Merrifield v. Board of County Commissioners for County of Santa Fe, 654 F.3d 1073, 1078 (10th Cir. 2011)
- Cleveland Board of Education v. Loudermill, 470 U.S. 532, 535, 542 (1985)
- Pompeo v. Board of Regents of the University of New Mexico, 852 F.3d 973, 981 (10th Cir. 2017)
- Harrell v. Stitt, No. 23-6048, 2024 WL 3372624, at *3 (10th Cir. July 11, 2024)
- Hansen v. America Online, Inc., 2004 UT 62, ¶ 7
- Squires v. Breckenridge Outdoor Education Center, 715 F.3d 867, 875 (10th Cir. 2013)
- Conner v. Department of Commerce, 2019 UT App 91
- Miller v. Weaver, 2003 UT 12, ¶¶ 20-21
- Gordon v. Nostrom, 2024 UT 18, ¶¶ 18-19
- Machan v. UNUM Life Insurance Co. of America, 2005 UT 37, ¶¶ 24, 26-31
- Buckner v. Kennard, 2004 UT 78, ¶ 43
- Young v. Salt Lake City School District, 2002 UT 64, ¶ 21
- Puttuck v. Gendron, 2008 UT App 362, ¶ 21
- Coroles v. Sabey, 2003 UT App 339, ¶ 36