

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
NORTH CAROLINA

Robert Templeton v. City of High Point et al.

Templeton v. City of High Point · No. 24cv671 · Decided June 18, 2026

SUMMARY

The United States District Court for the Middle District of North Carolina denied, on qualified-immunity grounds, the motion for summary judgment filed by City of High Point officials Brian Evans and Thomas Reid. The court held that factual disputes remained concerning whether Templeton suffered adverse employment actions in retaliation for protected speech, association, and petitioning regarding fire-department staffing, pay, recruitment, safety, and equipment issues. The court concluded that the right to speak about the fire department’s ability to protect the community was clearly established.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Middle District of North Carolina                                                                                                                                                                                                                                                                                                                                                             |
| WRITING FOR THE COURT | Thomas D. Schroeder                                                                                                                                                                                                                                                                                                                                                                                                                |
| JURISDICTION          | United States District Court for the Middle District of North Carolina                                                                                                                                                                                                                                                                                                                                                             |
| DECIDED               | June 18, 2026                                                                                                                                                                                                                                                                                                                                                                                                                      |
| DOCKET                | 24cv671                                                                                                                                                                                                                                                                                                                                                                                                                            |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                                              |
| PROCEDURAL POSTURE    | Defendants moved for summary judgment on the plaintiff's claims, including on the basis of qualified immunity. The court had previously resolved the other portions of the motion and reserved ruling on qualified immunity for two individual defendants.                                                                                                                                                                         |
| STANDARD OF REVIEW    | Summary judgment is inappropriate where genuine disputes of material fact remain. Qualified immunity requires defendants to show either that the alleged facts do not establish a constitutional violation or that the violated right was not clearly established. The plaintiff bears the burden of showing a constitutional violation, and the defendant bears the burden of showing that the right was not clearly established. |
| PRECEDENTIAL VALUE    | unpublished district-court memorandum opinion; nonprecedential                                                                                                                                                                                                                                                                                                                                                                     |

## TOPICS

qualified immunity

section 1983

free speech

retaliation

municipal liability

## PRACTICE AREAS

constitutional law

civil rights

employment law

municipal law

## QUESTIONS PRESENTED

1. Whether fact issues precluded summary judgment for Evans and Reid on qualified immunity concerning Templeton's First Amendment retaliation, association, and petition claims.
2. Whether Templeton presented sufficient evidence of an underlying constitutional violation, including materially adverse employment action and a causal connection to his protected expression.
3. Whether Templeton's right to speak publicly about fire-department staffing, pay, recruitment, equipment, safety, and the department's ability to perform its mission was clearly established.

## HOLDINGS

1. Templeton presented sufficient evidence to create a genuine dispute of material fact as to whether defendants took materially adverse employment actions against him and whether those actions were linked to his First Amendment expression.
2. By the time of the challenged conduct, it was clearly established that a firefighter had a right to speak to the public and city officials about fire-department pay, staffing, recruitment, equipment, safety, and the department's ability to carry out its mission without retaliatory employment consequences.
3. Evans and Reid were not entitled to summary judgment on qualified immunity because fact issues remained concerning both the alleged constitutional violation and the application of clearly established law.

## KEY QUOTATIONS

*“Qualified immunity shields government officials performing discretionary functions from personal liability for civil damages under § 1983, so long as “their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.”” (II)*

*“To succeed on his First Amendment claims, Templeton must show: (1) the speech at issue relates to a matter of public concern, (2) his interest in First Amendment expression outweighs his employer’s interest in efficient operation of the workplace, (3) he suffered an adverse action that would tend to chill his exercise of his First Amendment rights, and (4) the First Amendment expression was a “substantial factor” in his employer’s decision to take the adverse action.” (II)*

*“Speech on these matters has been clearly established as a matter of public concern within the Fourth Circuit at least as far back as 2002.” (II)*

## FACTUAL BACKGROUND

Templeton, a High Point firefighter and president of the local firefighters' union, publicly advocated on staffing shortages, pay compression, recruitment and retention, safety, equipment, and related fire-department issues. After he spoke to city officials, candidates, coworkers, and the public, he received a low performance review, was involuntarily transferred from a busy station to a slower station, and received counseling concerning his communications with city officials and the chain of command. The record contained conflicting evidence about whether these actions affected his compensation and whether they were motivated by his protected speech.

## PROCEDURAL HISTORY

Robert Templeton filed this § 1983 action against the City of High Point, Brian Evans, and Thomas Reid, alleging retaliation and violations of his First Amendment speech, association, and petition rights, along with related North Carolina constitutional claims. At the hearing on defendants' summary-judgment motion, the court granted summary judgment on the prior-restraint claim, dismissed the claims against the City for failure to identify a specific municipal policy, and dismissed certain state-constitutional claims against Evans and Reid in their individual capacities. The court denied summary judgment on the retaliation, association, and petition claims to the extent they remained against Evans and Reid, and denied their qualified-immunity defense in this opinion.

## DISPOSITION

other

## CASES CITED

- *Ridpath v. Bd. of Governors Marshall Univ.*, 447 F.3d 292, 306 (4th Cir. 2006)
- *Wilson v. Layne*, 526 U.S. 603, 609 (1999)
- *Hope v. Pelzer*, 536 U.S. 730, 739 (2002)
- *Pearson v. Callahan*, 555 U.S. 223, 236 (2009)
- *Ashcroft v. al-Kidd*, 563 U.S. 731, 741 (2011)
- *Anderson v. Creighton*, 483 U.S. 635, 640 (1987)
- *Stanton v. Elliott*, 25 F.4th 227, 233 (4th Cir. 2022)
- *Goldstein v. Chestnut Ridge Volunteer Fire Co.*, 218 F.3d 337, 351-52 (4th Cir. 2000)
- *Minnick v. Cnty. Of Currituck*, 521 F. App'x 255, 264 (4th Cir. 2013)
- *Daniels v. Quinn*, 801 F.2d 687, 690 (4th Cir. 1986)
- *Collins v. Pond Creek Mining Co.*, 468 F.3d 213, 219 (4th Cir. 2006)
- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986)
- *Byers v. Painter*, 173 F.4th 155, 165 (4th Cir. 2026)
- *Kisela v. Hughes*, 584 U.S. 100, 104 (2018)
- *DiMeglio v. Haines*, 45 F.3d 790, 804 (4th Cir. 1995)
- *Lilienthal v. City of Suffolk*, 275 F. Supp. 2d 684, 691, 694 (E.D. Va. 2003)
- *Sheaffer v. County of Chatham*, 337 F. Supp. 2d 709, 722 (M.D.N.C. 2004)

- Saleh v. Upadhyay, 11 F. App'x 241, 257 (4th Cir. 2001) (per curiam)
- Edwards v. City of Goldsboro, 178 F.3d 231, 251 (4th Cir. 1999)

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