

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
NORTH CAROLINA

**Jonathan Cooke, Charles Farrior, Terry Harris, Destinee Kittrell,
Delores Kittrell, Davanna Johnson, Chutney Nance v. City of Raleigh,
Detective Omar I. Abdullah, and Detective Rishar Pierre Monroe, in
their individual and official capacities**

Cooke · No. No. 5:25-CV-253-BO-KS · Decided March 2, 2026

SUMMARY

The United States District Court for the Eastern District of North Carolina grants defendants’ motions to dismiss claims arising from the execution of search warrants in Raleigh. The court holds that the plaintiffs’ federal civil rights, constitutional, personal injury, and negligence claims are barred by the applicable three-year statutes of limitations. The court dismisses the remaining state-law civil-liability-for-acts-of-terrorism claim without prejudice after declining supplemental jurisdiction.

CASE DETAILS

COURT	United States District Court for the Eastern District of North Carolina
JURISDICTION	United States District Court for the Eastern District of North Carolina
DECIDED	March 2, 2026
DOCKET	No. 5:25-CV-253-BO-KS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss most claims as barred by the statute of limitations. The court granted the motions, dismissed the federal and related state claims with prejudice, declined supplemental jurisdiction over the remaining state-law claim, and closed the case.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court tests the complaint's legal and factual sufficiency, accepts well-pleaded factual allegations as true, and determines whether the complaint states a plausible claim for relief. A statute-of-limitations defense may be resolved at the pleading stage when the defense is apparent from the face of the complaint and the allegations foreclose the plaintiff's potential rejoinder.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Jonathan Cooke, Charles Farrior, Terry Harris, Destinee Kittrell, Delores Kittrell, Davanna Johnson, Chutney Nance v. City of Raleigh, Detective Omar I. Abdullah, Detective Rishar Pierre Monroe

TOPICS

motions to dismiss

statute of limitations

section 1983

subject matter jurisdiction

civil procedure

PRACTICE AREAS

civil procedure

civil rights

constitutional law

torts

municipal law

QUESTIONS PRESENTED

1. Whether the statute-of-limitations defense could be resolved on defendants' Rule 12(b)(6) motions.
2. Whether plaintiffs' § 1983, § 1985, North Carolina constitutional, personal-injury, and negligence claims were barred by the applicable three-year limitations periods.
3. Whether the court should exercise supplemental jurisdiction over the remaining state-law civil-liability-for-acts-of-terror claim after dismissing the federal claims.

HOLDINGS

1. A court may apply a statute-of-limitations affirmative defense at the motion-to-dismiss stage when the defense is apparent from the face of the complaint and the complaint forecloses the plaintiff's potential rejoinder.
2. Plaintiffs' § 1983, § 1985, North Carolina constitutional, personal-injury, and negligence claims were barred by applicable three-year statutes of limitations and were dismissed with prejudice.
3. After dismissing the federal claims, the court declined to exercise supplemental jurisdiction over the remaining state-law civil-liability-for-acts-of-terror claim and dismissed it without prejudice.

KEY QUOTATIONS

“A 12(b)(6) motion to dismiss for failure to state a claim upon which relief can be granted tests the complaint’s legal and factual sufficiency.”

“Courts are permitted to apply the affirmative defense of a statute of limitations at the motion to dismiss stage where it is apparent from the face of the complaint and where “the plaintiff’s potential rejoinder to the defense is foreclosed by the allegations in the complaint.””

“The doctrine of supplemental jurisdiction indicates that federal courts generally have discretion to retain or dismiss state law claims when the federal basis for an action drops away.”

FACTUAL BACKGROUND

Plaintiffs' claims arose from the execution of two search warrants at 5009 and 5024 Royal Oaks Acres in Raleigh on March 19, 2020. They asserted Fourth Amendment claims under 42 U.S.C. § 1983, conspiracy claims under

42 U.S.C. § 1985, claims under the North Carolina Constitution, assault and battery, false imprisonment or false arrest, negligence-based claims, and civil liability for acts of terror. The action was filed on March 19, 2025, and the court concluded that all claims except the civil-liability-for-acts-of-terror claim were untimely even accounting for a tolling agreement with the City of Raleigh.

PROCEDURAL HISTORY

Plaintiffs filed the action in Wake County Superior Court on March 19, 2025, arising from the execution of two search warrants in Raleigh on March 19, 2020. Defendants moved to dismiss. After briefing and a hearing on February 19, 2026, the district court granted the motions and directed the Clerk to enter judgment and close the case.

DISPOSITION

dismissed

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Nadendla v. Wake Med, 24 F.4th 299, 305 (4th Cir. 2022)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- In re Gardasil Prods. Liab. Litig., 743 F. Supp. 3d 726, 736 (W.D.N.C. 2024)
- Goodman v. Praxair, Inc., 494 F.3d 458, 466 (4th Cir. 2007)
- Owens v. Balt. City State's Attorney's Office, 767 F.3d 379, 388 (4th Cir. 2014)
- McHam v. N. Carolina Mut. Life Ins. Co., No. 105CV01168, 2007 WL 1695914, at *2 (M.D.N.C. June 11, 2007)
- Morley v. N. Carolina Dep't of Health & Hum. Servs./Broughton Hosp., 171 F. Supp. 2d 585, 592 (W.D.N.C. 2001)
- Bendross v. Town of Huntersville, 159 N.C. App. 228 (2003) (unpublished)
- Shanaghan v. Cahill, 58 F.3d 106, 109-110 (4th Cir. 1995)

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