

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
NORTH CAROLINA, WESTERN DIVISION

**Darrell Hubbard v. City of Goldsboro; Wayne County; Detective
Alvino Daniels; Officer Brad E. Gooding; Marcus Smith; Andrew
Nicholson; and Larry Gray, Jr.**

Hubbard · No. No. 5:25-CV-49-BO-RJ · Decided February 5, 2026

SUMMARY

The United States District Court for the Eastern District of North Carolina dismissed plaintiff Darrell Hubbard’s federal civil-rights claims arising from an alleged assault and the subsequent investigation and prosecution. The court held that the claims against several defendants were barred by res judicata or failed to satisfy pleading requirements, including the requirements for municipal liability under Monell. The court declined supplemental jurisdiction over the state-law intentional-infliction-of-emotional-distress claim, denied the motions to amend as futile, and directed the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of North Carolina, Western Division
WRITING FOR THE COURT	Terrence W. Boyle
JURISDICTION	United States District Court for the Eastern District of North Carolina, Western Division
DECIDED	February 5, 2026
DOCKET	No. 5:25-CV-49-BO-RJ
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff proceeded pro se and filed claims under 42 U.S.C. §§ 1983 and 1985(3), North Carolina law, and other theories arising from an alleged assault. The court considered motions to dismiss by the City Defendants and Wayne County, plaintiff's motion for declaratory judgment, a motion for leave to file a sur-reply, two motions to amend, and a request for procedural clarification.
STANDARD OF REVIEW	The court applied Rules 12(b)(2), 12(b)(5), and 12(b)(6). A Rule 12(b)(6) motion tests the legal sufficiency of the complaint; well-pleaded allegations are accepted as true and viewed in the plaintiff's favor, but

the complaint must contain sufficient factual matter to state a facially plausible claim. The court also applied claim-preclusion principles and reviewed amendment motions for futility.

PRECEDENTIAL VALUE

unpublished

TOPICS

motions to dismiss

res judicata

motion to amend

section 1983

municipal liability

PRACTICE AREAS

civil procedure

civil rights

constitutional law

municipal liability

torts

QUESTIONS PRESENTED

1. Whether plaintiff's motion for declaratory judgment concerning absolute and qualified immunity was procedurally proper and appropriate.
2. Whether the federal claims against the City Defendants and Wayne County were barred by res judicata or failed to state a claim under Rule 12(b)(6).
3. Whether res judicata could be applied to dismiss the federal claims against defendants Smith, Nicholson, and Gray even though they had not answered or appeared.
4. Whether the court should decline supplemental jurisdiction over plaintiff's state-law intentional-infliction-of-emotional-distress claim.
5. Whether plaintiff's proposed amendments were futile because they failed to state viable claims or would leave only state-law claims over which the court would decline supplemental jurisdiction.

HOLDINGS

1. A party may not obtain declaratory relief by motion; declaratory relief must be sought through an appropriate pleading, and the requested immunity framework was not an appropriate subject for declaratory judgment in this case.
2. Proper service is required to establish personal jurisdiction, and a plaintiff bears the burden of demonstrating that service complied with the governing rules.
3. Res judicata barred plaintiff's claims against Detective Daniels and Officer Gooding because the prior action was a final judgment on the merits, involved the same causes of action, and involved the same parties or privies.
4. Plaintiff failed to state a claim for municipal liability against the City of Goldsboro because he alleged no plausible policy, custom, final policymaker decision, deliberate-indifference failure to train, or persistent and widespread practice causing the alleged constitutional injury.
5. Wayne County could not be held liable for acts of the Wayne County Prosecutor's Office because North Carolina district attorneys are state officials rather than county employees, and plaintiff also alleged no plausible county policy or custom.

6. The court could apply *res judicata sua sponte* and held that the federal claims against Smith, Nicholson, and Gray were barred because the prior judgment, transaction, and parties were the same.
7. The court declined to exercise supplemental jurisdiction over plaintiff's state-law intentional-infliction-of-emotional-distress claim after dismissing all federal claims.
8. Leave to amend was denied as futile because the proposed federal claims against Coltrain and the North Carolina Conference of District Attorneys could not state a viable constitutional claim, and amendments adding only state-law claims would not alter the court's decision to decline supplemental jurisdiction.

KEY QUOTATIONS

“Res judicata, or claim preclusion, bars the relitigation of any claims that were or could have been raised in a prior proceeding between the same parties.” (at 7)

“Municipal liability only results “when execution of a government’s policy or custom, whether made by its lawmakers or by those whose edicts or acts may fairly be said to represent official policy, inflicts the injury[.]”” (at 9)

“An amendment is futile when the proposed amended complaint does not state a claim under Fed.R.Civ.P. 12(b)(6).” (at 13)

FACTUAL BACKGROUND

Plaintiff alleged that he was assaulted while playing pool at Pier 34, a restaurant and bar in Goldsboro, North Carolina. He asserted that private individuals, police officers, the City of Goldsboro, and Wayne County fabricated or concealed evidence, mishandled the investigation, obstructed justice, conspired to deprive him of constitutional rights, and inflicted emotional distress. The claims arose from the same assault, investigation, and prosecutorial decisions involved in plaintiff's prior action, *Hubbard I*.

PROCEDURAL HISTORY

Plaintiff previously brought claims arising from the same assault in *Hubbard v. Goldsboro Police Department*, No. 5:24-cv-267-FL, which was dismissed under 28 U.S.C. § 1915(e)(2)(B), with leave to amend denied, and the dismissal was affirmed by the Fourth Circuit. In this action, the court granted the motions to dismiss the federal claims against all defendants, declined supplemental jurisdiction over the state-law claim, denied the declaratory-judgment and amendment motions, granted leave to file a sur-reply, denied the procedural-clarification request as moot, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- *Kam-Ko Bio-Pharm Trading Co. Ltd.-Australasia v. Mayne Pharma (USA) Inc.*, 560 F.3d 935, 943 (9th Cir. 2009)
- *Koehler v. Dodwell*, 152 F.3d 304, 306 (4th Cir. 1998)

- Washington v. Cedar Fair, L.P., No. 5:22-cv-244-MOC-DSC, 2023 U.S. Dist. LEXIS 16559, at *5 (W.D.N.C. Feb. 1, 2023)
- Elkins v. Broome, 213 F.R.D. 273, 275 (M.D.N.C. 2003)
- Papasan v. Allain, 478 U.S. 265, 283 (1986)
- Mylan Laboratories, Inc. v. Matkari, 7 F.3d 1130, 1134 (4th Cir. 1993)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Gordon v. Leeke, 574 F.2d 1147, 1152 (4th Cir. 1978)
- Williams v. Ozmint, 716 F.3d 801, 805 (4th Cir. 2013)
- Sartin v. Macik, 535 F.3d 284, 287 (4th Cir. 2008)
- Foye v. Lassiter, No. 7:24-CV-709-FL, 2025 U.S. Dist. LEXIS 1274, at *6 (E.D.N.C. Jan. 3, 2025)
- Pueschel v. United States, 369 F.3d 345, 354-56 (4th Cir. 2004)
- Andrews v. Daw, 201 F.3d 521, 524 n.1 (4th Cir. 2000)
- Federated Department Stores, Inc. v. Moitie, 452 U.S. 394, 399 n.3 (1981)
- Corbin v. Johnson, No. 5:11-CV-456-FL, 2012 U.S. Dist. LEXIS 112126, at *13-16 (E.D.N.C. Feb. 24, 2012)
- Laurel Sand & Gravel, Inc. v. Wilson, 519 F.3d 156, 162 (4th Cir. 2008)
- Monell v. Department of Social Services of the City of New York, 436 U.S. 658, 690-94 (1978)
- Milligan v. City of Newport News, 743 F.2d 227, 229 (4th Cir. 1984)
- Lytle v. Doyle, 326 F.3d 463, 471 (4th Cir. 2003)
- Owens v. Baltimore City State's Attorneys Office, 767 F.3d 379, 403 (4th Cir. 2014)
- State v. Wilson, 139 N.C. App. 544, 550 (2000)
- Nivens v. Gilchrist, 444 F.3d 237, 249 (4th Cir. 2006)
- Uresti v. Murray, No. 3:11-CV-538-RJC, 2012 WL 80235, at *3 (W.D.N.C. Jan. 11, 2012)
- Eriline Co. S.A. v. Johnson, 440 F.3d 648, 655 (4th Cir. 2006)
- Arizona v. California, 530 U.S. 392, 412 (2000)
- Nathan v. Takeda Pharmaceuticals North America, Inc., 707 F.3d 451, 461 (4th Cir. 2013)
- Johnson v. Oroweat Foods Co., 785 F.2d 503, 509 (4th Cir. 1986)
- Oliver v. Department of Public Safety & Correctional Services, 350 F. Supp. 3d 340, 346 (D. Md. 2018)
- Derrick v. Thomas, No. CV 9:20-3816-MGL-MHC, 2021 WL 10428230, at *3 (D.S.C. Apr. 12, 2021)
- Diamond v. Charles, 476 U.S. 54, 64 (1986)
- Sattler v. Johnson, 857 F.2d 224, 227 (4th Cir. 1988)
- Graves v. Haywood, No. 5:19-CT-3043-FL, 2022 WL 945598, at *4 (E.D.N.C. Mar. 29, 2022)