

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

Theresa Schmitz v. Wake County Board of Education, et al.

Schmitz · No. 5:25-CV-553-BO-KS · Decided April 13, 2026

SUMMARY

The United States District Court for the Eastern District of North Carolina granted defendants’ motion to dismiss claims brought by Theresa Schmitz against the Wake County Board of Education and individual school-system employees. The court held that the complaint failed to plausibly allege Monell liability, First Amendment retaliation, ADA or Rehabilitation Act failure-to-accommodate, or ADA and Rehabilitation Act retaliation claims. The court dismissed the claims with prejudice, denied the motion for a preliminary injunction, 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	April 13, 2026
DOCKET	5:25-CV-553-BO-KS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), and plaintiff moved for a preliminary injunction. The court treated the motion to dismiss under Rule 12(b)(6), granted it, denied the preliminary-injunction motion, dismissed the claims with prejudice, and directed the clerk to close the case.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court assesses the complaint's legal and factual sufficiency, accepts well-pleaded factual allegations as true, and determines whether the allegations plausibly state a claim for relief. Pro se pleadings are held to less stringent standards, but the court does not act as the litigant's advocate or supply unexpressed allegations. Although defendants cited Rule 12(b)(1), the court identified no actual subject-matter-jurisdiction argument and therefore considered the motion under Rule 12(b)(6).

TOPICS

motions to dismiss

ada / disability

retaliation

section 1983

injunctions

PRACTICE AREAS

civil rights

employment law

disability discrimination

constitutional law

remedies

QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged municipal liability against the Wake County Board of Education under Monell.
2. Whether the complaint plausibly alleged First Amendment retaliation against the individual defendants in their official or individual capacities.
3. Whether the individual defendants were entitled to qualified immunity on the First Amendment retaliation claim.
4. Whether the complaint plausibly alleged an ADA or Rehabilitation Act failure-to-accommodate claim.
5. Whether the complaint plausibly alleged ADA or Rehabilitation Act retaliation.
6. Whether Schmitz was entitled to a preliminary injunction.

HOLDINGS

1. The complaint failed to plausibly allege that a policy, custom, deliberate-indifference failure, or ratification by the Wake County Board of Education caused a constitutional violation; the Monell claim was therefore dismissed.
2. The official-capacity First Amendment retaliation claims were duplicative of the claim against the Board of Education and failed because the complaint did not plausibly identify a Board policy, custom, or practice causing the alleged injury.
3. The complaint failed to plausibly allege a causal relationship between Schmitz's protected expression and the defendants' allegedly adverse actions; the individual-capacity First Amendment retaliation claim was dismissed.
4. The individual defendants were entitled to qualified immunity because the complaint failed to plausibly allege a constitutional violation.
5. The complaint failed to plausibly allege failure to accommodate under the ADA or Section 504 because it did not allege that Schmitz had a qualifying disability at the relevant time or that her requested leave was a reasonable accommodation.
6. The complaint failed to plausibly allege ADA or Section 504 retaliation because it did not adequately allege a materially adverse action or a causal connection between protected activity and the challenged actions.

7. The motion for preliminary injunction was denied because Schmitz could not show a likelihood of success on the merits after dismissal of all claims.

KEY QUOTATIONS

“A policy or custom for which a municipality may be held liable can arise in four ways: (1) through an express policy, such as a written ordinance or regulation; (2) through the decisions of a person with final policymaking authority; (3) through an omission, such as a failure to properly train officers, that ‘manifest[s] deliberate indifference to the rights of citizens’; or (4) through a practice that is ‘so persistent and widespread’ as to constitute a ‘custom or usage with the force of law.’”

“To establish a First Amendment retaliation claim under § 1983, a plaintiff must demonstrate that “(1) he engaged in protected First Amendment activity, (2) the defendant took some action that adversely affected his First Amendment rights, and (3) there was a causal relationship between his protected activity and the defendant’s conduct.””

“To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’”

FACTUAL BACKGROUND

Schmitz alleged that she was a Wake County Public School System teacher and the parent of a child with a disability who had received special-education services. She claimed that she advocated for compliance with disability and civil-rights laws and that the school system retaliated by reassigning her, excluding her from IEP meetings, creating a hostile work environment, and denying requested accommodations. She also alleged that she requested leave as an ADA/Section 504 accommodation and that defendants failed to engage in an interactive process. The complaint asserted municipal liability, First Amendment retaliation, ADA and Rehabilitation Act failure-to-accommodate, and ADA/Section 504 retaliation theories.

PROCEDURAL HISTORY

Theresa Schmitz, proceeding pro se, filed suit against the Wake County Board of Education and individual Wake County Public School System employees, asserting ADA, Rehabilitation Act, and First Amendment retaliation claims. Defendants moved to dismiss, and Schmitz moved for a preliminary injunction. The district court dismissed the complaint with prejudice for failure to state a claim and denied preliminary injunctive relief.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 671, 678 (2009)
- Evans v. B.F. Perkins Co., 166 F.3d 642, 647-50 (4th Cir. 1999)
- Kerns v. United States, 585 F.3d 187, 192 (4th Cir. 2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)

- *Nadendla v. WakeMed*, 24 F.4th 299, 305 (4th Cir. 2022)
- *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)
- *Monell v. Department of Social Services of the City of New York*, 436 U.S. 658, 690-94 (1978)
- *Riddick v. School Board of City of Portsmouth*, 238 F.3d 518, 522 & n.3 (4th Cir. 2000)
- *Lytle v. Doyle*, 326 F.3d 463, 471 (4th Cir. 2003)
- *Carter v. Morris*, 164 F.3d 215, 218, 220 (4th Cir. 1999)
- *Barrett v. Board of Education of Johnston County, N.C.*, 590 F. App'x 208, 210 (4th Cir. 2014)
- *Connick v. Thompson*, 563 U.S. 51, 61 (2011)
- *Starbuck v. Williamsburg James City County School Board*, 28 F.4th 529, 534 (4th Cir. 2022)
- *Gray v. Charlotte Secondary School Inc.*, No. 3:23-CV-347-RJC-DCK, 2024 WL 2789488, at *4 (W.D.N.C. Mar. 29, 2024), report and recommendation adopted, No. 3:23-CV-00347-RJC-DCK, 2024 WL 2787813 (W.D.N.C. May 30, 2024)
- *Fox v. City of Greenville*, No. 4:23-CV-00133-M, 2024 WL 3093583, at *7 (E.D.N.C. June 21, 2024)
- *Kentucky v. Graham*, 473 U.S. 159, 165 (1985)
- *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982)
- *Melgar v. Greene*, 593 F.3d 348, 353 (4th Cir. 2010)
- *Pearson v. Callahan*, 555 U.S. 223, 236 (2009)
- *Malley v. Briggs*, 475 U.S. 335, 341 (1986)
- *Houston Community College System v. Wilson*, 595 U.S. 468, 474 (2022)
- *Martin v. Duffy*, 858 F.3d 239, 249 (4th Cir. 2017)
- *Huang v. Board of Governors of the University of North Carolina*, 902 F.2d 1134, 1140 (4th Cir. 1990)
- *Halpern v. Wake Forest University Health Sciences*, 669 F.3d 454, 461 (4th Cir. 2012)
- *McCleary-Evans v. Maryland Department of Transportation, State Highway Administration*, 780 F.3d 582, 585 (4th Cir. 2015)
- *Gaines v. Baltimore Police Department*, 657 F. Supp. 3d 708, 734 (D. Md. 2023)
- *Wilson v. Dollar General Corp.*, 717 F.3d 337, 345 & n.7 (4th Cir. 2013)
- *S.B. ex rel. A.L. v. Board of Education of Harford County*, 819 F.3d 69, 78 & n.6 (4th Cir. 2016)
- *Laird v. Fairfax County, Virginia*, 978 F.3d 887, 893 (4th Cir. 2020)
- *Muldrow v. City of St. Louis, Missouri*, 601 U.S. 346, 354 (2024)
- *Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 657 (4th Cir. 1998)
- *Neal v. Sandhills Center*, 737 F. Supp. 3d 291, 296 (M.D.N.C. 2024)
- *Howell v. Upgrade, Inc.*, No. 6:24-CV-04228-JDA-WSB, 2024 WL 5683321, at *1 (D.S.C. Dec. 6, 2024)
- *Winter v. Natural Resources Defense Council*, 555 U.S. 7, 20 (2008)

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