

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

**Sylvester M. Sylvan Jr. v. Quail Run on Sharon Homeowners
Association, Inc.; Cedar Management Group, LLC; Thomas J.
Thurman; Jixian Mu; Thurman, Wilson, Boutwell & Galvin, P.A.;
and Rolando Velasquez**

Sylvan · No. 3:25-CV-00889-KDB-DCK · Decided March 12, 2026

SUMMARY

The United States District Court for the Western District of North Carolina dismissed Plaintiff Sylvester M. Sylvan Jr.’s federal claims arising from alleged improper homeowners’ association assessments, dues increases, and records-access issues. The court dismissed the RICO, 42 U.S.C. § 1983, and misprision-of-felony claims, concluding that the defendants were not state actors and that the pleadings did not establish the elements of the federal claims. The court declined supplemental jurisdiction over the remaining North Carolina Unfair and Deceptive Trade Practices Act claim and dismissed it without prejudice.

CASE DETAILS

COURT	United States District Court for the Western District of North Carolina, Charlotte Division
WRITING FOR THE COURT	Kenneth D. Bell
JURISDICTION	United States District Court for the Western District of North Carolina, Charlotte Division
DECIDED	March 12, 2026
DOCKET	3:25-CV-00889-KDB-DCK
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought federal claims under RICO, 42 U.S.C. § 1983, and the federal misprision-of-felony statute, along with a North Carolina Unfair and Deceptive Trade Practices Act claim. Certain defendants moved to dismiss, and the court sua sponte considered the federal claims against the remaining defendants.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 12(b)(6), the court determines whether the complaint is legally and factually sufficient, accepts well-

pleaded facts as true, and construes them in the plaintiff's favor, but disregards legal conclusions, conclusory assertions, unwarranted inferences, and unreasonable conclusions. Under Rule 12(h)(3), the court may consider subject-matter jurisdiction sua sponte at any time and must dismiss when jurisdiction is lacking. Pro se pleadings are liberally construed but must still allege facts supporting a claim cognizable in federal court.

PRECEDENTIAL VALUE

unpublished district court memorandum and order; persuasive value only

PARTIES

Sylvester M. Sylvan Jr. v. Quail Run on Sharon Homeowners Association, Inc., Cedar Management Group, LLC, Thomas J. Thurman, Jixian Mu, Thurman, Wilson, Boutwell & Galvin, P.A., Rolando Velasquez

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QUESTIONS PRESENTED

1. Whether Plaintiff plausibly stated civil RICO claims based on the homeowners association's assessments, dues increases, and conduct concerning association records.
2. Whether Plaintiff stated a claim under 42 U.S.C. § 1983 where all defendants were private individuals or entities and the complaint did not allege state action.
3. Whether 18 U.S.C. § 4 creates a private civil cause of action for misprision of felony.
4. Whether the court should decline supplemental jurisdiction over the remaining North Carolina state-law claim after dismissing all federal claims.

HOLDINGS

1. The complaint failed to state civil RICO claims because it did not plausibly allege separate RICO persons and a distinct enterprise, continuity sufficient to distinguish racketeering from an ordinary commercial dispute, or predicate acts constituting a pattern of racketeering activity.
2. Plaintiff failed to state a § 1983 claim because he did not allege that any defendant acted under color of state law or was a state actor.
3. 18 U.S.C. § 4 does not provide an independent private civil cause of action, so Plaintiff's misprision-of-felony claim was dismissed.

4. After dismissing all federal claims, the court declined to exercise supplemental jurisdiction over Plaintiff's remaining state-law claim and dismissed it without prejudice.

KEY QUOTATIONS

“Most simply put, whatever the merits of Plaintiff’s complaints against his HOA, this action does not belong in federal court.” (III)

“Even construing Plaintiff’s pro se Complaint liberally, he has failed to allege facts, as distinguished from conclusory legal labels, that plausibly the existence of separate “persons” and a distinct enterprise, the requisite continuity, or any predicate acts that would establish a pattern of racketeering activity.” (III.A)

“Private parties and entities are not state actors and are not amenable to suit under § 1983, and Plaintiff has cited no authority that an HOA’s exercise of its typical fine or lien authority constitutes state action.” (III.B)

“However, as Plaintiff acknowledges in his response, “misprision of felony cannot stand as an independent civil cause of action.”” (III.C)

FACTUAL BACKGROUND

Plaintiff lived in the Quail Run on Sharon neighborhood in Mecklenburg County, North Carolina. He alleged that the homeowners association improperly imposed special assessments, increased dues, and an emergency assessment beginning in December 2022, and that it failed to provide all requested minutes, accounting data, and other records. He sued the association, its volunteer director, management company, property manager, attorney, and attorney's law firm, asserting RICO, § 1983, misprision-of-felony, and North Carolina unfair-and-deceptive-trade-practices claims.

PROCEDURAL HISTORY

Plaintiff filed the action in November 2025 concerning assessments, dues increases, and requests for homeowners-association records. Defendants Thomas J. Thurman and Thurman, Wilson, Boutwell & Galvin, P.A. moved to dismiss, while the remaining defendants answered and asserted failure to state a claim. The district court granted Thurman's motion as to the federal claims, dismissed those claims against the remaining defendants, declined supplemental jurisdiction over the state-law claim, dismissed that claim without prejudice, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Aalaam v. Graham, No. 5:24-CV-00226-KDB-SCR, 2024 WL 4536478, at *1 (W.D.N.C. Oct. 21, 2024)
- Ferguson v. Wooton, 741 F. App'x 955 (4th Cir. 2018)
- Foy v. State Farm Mut. Ins. Co., No. 320CV00261KDBDCK, 2022 WL 135917, at *1 (W.D.N.C. Jan. 14, 2022)

- *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 506 (2006)
- *Chris v. Tenet*, 221 F.3d 648, 655 (4th Cir. 2000)
- *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 684 (2009)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)
- *Coleman v. Maryland Court of Appeals*, 626 F.3d 187, 190 (4th Cir. 2010), *aff'd sub nom. Coleman v. Court of Appeals of Maryland*, 566 U.S. 30 (2012)
- *Nemet Chevrolet, Ltd. v. Consumeraffairs.com, Inc.*, 591 F.3d 250, 255 (4th Cir. 2010)
- *Republican Party of North Carolina v. Martin*, 980 F.2d 943, 952 (4th Cir. 1992)
- *Fitzgerald Fruit Farms LLC v. Aseptia, Inc.*, 527 F. Supp. 3d 790, 796 (E.D.N.C. 2019)
- *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)
- *King v. Rubenstein*, 825 F.3d 206, 214 (4th Cir. 2016)
- *Weller v. Dep't of Soc. Servs.*, 901 F.2d 387 (4th Cir. 1990)
- *H.J. Inc. v. Nw. Bell Tel. Co.*, 492 U.S. 229, 232-33 (1989)
- *US Airline Pilots Ass'n v. Awappa, LLC*, 615 F.3d 312, 317 (4th Cir. 2010)
- *Boyle v. United States*, 556 U.S. 938, 944 (2009)
- *Brown v. Registrar of Deeds for Cleveland Cnty.*, No. 1:24-CV-00283-MR-WCM, 2024 WL 4896698, at *4 (W.D.N.C. Nov. 26, 2024)
- *Whitney, Bradley & Brown, Inc. v. Kammermann*, 436 F. App'x 257, 258 (4th Cir. 2011)
- *Gilchrist v. Cook*, No. 7:07-0508-HFF-WMC, 2007 WL 950386, at *3 (D.S.C. Mar. 26, 2007)
- *Nunes v. Fusion GPS*, 531 F. Supp. 3d 993, 1005-08 (E.D. Va. 2021)
- *Grant v. Shapiro & Burson, LLP*, 871 F. Supp. 2d 462, 473 (D. Md. 2012)
- *West v. Atkins*, 487 U.S. 42, 48 (1988)
- *Cox v. Duke Energy, Inc.*, 876 F.3d 625, 632 (4th Cir. 2017)
- *Lugar v. Edmondson Oil Co., Inc.*, 457 U.S. 922, 937 (1982)
- *Levine v. Stein*, 560 F.2d 1175 (4th Cir. 1977)
- *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 n.7 (1988)
- *ESAB Grp., Inc. v. Zurich Ins. PLC*, 685 F.3d 376, 394 (4th Cir. 2012)
- *Mann v. Power Home Solar, LLC*, No. 521CV00166KDBDSC, 2022 WL 602196, at *2 (W.D.N.C. Feb. 28, 2022)