

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

Mackenzie Elaine Brown v. Robert Jordan Warren, et al.

No. 1:23-cv-00270-MR-WCM, United States District Court for the Western District of North Carolina, Asheville
Division (June 15, 2026)

SUMMARY

The United States District Court for the Western District of North Carolina ruled on Defendants’ Motion for Partial Summary Judgment in Mackenzie Elaine Brown’s civil rights action. The court granted summary judgment on the equal protection and civil conspiracy claims and on the First Amendment retaliation claim against Defendant Reece, but denied summary judgment on the retaliation claim against Defendant Maybin, concluding that Maybin was not entitled to qualified immunity. The case was ordered to proceed to trial on the remaining First Amendment retaliation claims.

CASE DETAILS

COURT	United States District Court for the Western District of North Carolina, Asheville Division
WRITING FOR THE COURT	Martin Reidinger
JURISDICTION	United States District Court for the Western District of North Carolina, Asheville Division
DECIDED	June 15, 2026
DOCKET	1:23-cv-00270-MR-WCM
DISPOSITION	The Defendants' Motion for Partial Summary Judgment is granted in part and denied in part. Summary judgment is granted on the First Amendment retaliation claim against Reece, the Equal Protection claims against all Defendants, and the Civil Conspiracy claims against all Defendants. Summary judgment is denied on the First Amendment retaliation claim against Maybin. The case proceeds on the First Amendment retaliation claims against Warren, Landers, Lindsay, and Maybin.
PROCEDURAL POSTURE	Before the Court was the Defendants' Motion for Partial Summary Judgment.
STANDARD OF REVIEW	Summary judgment shall be granted if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to

judgment as a matter of law. Fed. R. Civ. P. 56(a). The court views the evidence in the light most favorable to the nonmoving party.

PRECEDENTIAL VALUE

unpublished

TOPICS

first amendment

free speech

qualified immunity

police misconduct

civil rights

section 1983

fourteenth amendment

equal protection

summary judgment

civil procedure

PRACTICE AREAS

Civil Rights

Constitutional Law

QUESTIONS PRESENTED

1. Whether Defendant Reece is entitled to summary judgment on the First Amendment retaliation claim.
2. Whether Defendant Maybin is entitled to summary judgment or qualified immunity on the First Amendment retaliation claim.
3. Whether all Defendants are entitled to summary judgment on the Fourteenth Amendment equal protection claims.
4. Whether all Defendants are entitled to summary judgment on the civil conspiracy claims.

HOLDINGS

1. Defendant Reece is entitled to summary judgment because no reasonable jury could find sufficient facts to establish the adverse action or causation elements; the \$550 fine did not constitute an adverse action and the implicit threat was empty.
2. Summary judgment is denied; a reasonable jury could find sufficient facts to establish each element of the First Amendment retaliation claim against Maybin, and Maybin is not entitled to qualified immunity because the right was clearly established.
3. The equal protection claims are dismissed against all Defendants because they merely repackage the First Amendment retaliation claims and thus fail to state a separate claim under the Equal Protection Clause.
4. The intracorporate conspiracy doctrine bars the civil conspiracy claims against the Henderson County Sheriff's Office employees because there is no evidence any defendant had an independent personal stake.

KEY QUOTATIONS

"A plaintiff claiming First Amendment retaliation must demonstrate that: (1) [she] engaged in protected First Amendment activity, (2) the defendants took some action that adversely affected [her] First Amendment rights, and (3) there was a causal relationship between [her] protected activity and the defendants' conduct."
(p. 7)

“It has long been 'clearly established' that 'the First Amendment prohibits an officer from retaliating against an individual for speaking critically of the government.’” (p. 9)

“Neither [the Fourth Circuit] nor the Supreme Court has recognized an equal protection right to be free from retaliation.” (p. 10)

“Under the intracorporate conspiracy doctrine, 'an agreement between or among agents of the same legal entity, when the agents act in their official capacities, is not an unlawful conspiracy.’” (p. 11)

FACTUAL BACKGROUND

On October 1, 2021, Plaintiff, while at the Henderson County Sheriff's Office parking lot to file charges, wrote '12 SUX' on a pink patrol car that was open for public writing as part of a Sheriff's Office event. Later that day, Defendants Warren and Landers arrested her for damage to property, took photos of her handcuffed in front of the car, and transported her to jail. Defendant Maybin allegedly told her that bond agents would no longer help her because of what she wrote, causing her detention to be prolonged. Defendant Duncan posted her arrest photo and information on Facebook. The following morning, Defendant Reece conducted a dangerous dog inspection at her home and issued a \$550 fine, which was later withdrawn under an implicit threat. Plaintiff subsequently learned there was no 'strike' system for dangerous dogs and never paid the fine.

PROCEDURAL HISTORY

On September 14, 2023, Plaintiff Mackenzie Brown, pro se, filed a complaint against defendants, including Henderson County Sheriff's Office and individual officers, alleging civil rights violations under 42 U.S.C. § 1983. After an amended complaint and a motion to dismiss, the court accepted the magistrate judge's recommendation to dismiss all but three claims: First Amendment retaliation against Warren, Lindsay, Landers, Reece, and Maybin; Fourteenth Amendment equal protection against Warren, Lindsay, Landers, Reece, Maybin, and Duncan; and civil conspiracy against Warren, Lindsay, Landers, Reece, Maybin, and Duncan. Defendants then moved for partial summary judgment on all remaining claims except the First Amendment retaliation claims against Warren, Lindsay, and Landers.

DISPOSITION

The Defendants' Motion for Partial Summary Judgment is granted in part and denied in part. Summary judgment is granted on the First Amendment retaliation claim against Reece, the Equal Protection claims against all Defendants, and the Civil Conspiracy claims against all Defendants. Summary judgment is denied on the First Amendment retaliation claim against Maybin. The case proceeds on the First Amendment retaliation claims against Warren, Landers, Lindsay, and Maybin.

CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)
- Eastern Shore Mkt. Inc. v. J.D. Assocs., LLP, 213 F.3d 175 (4th Cir. 2000)
- Bhattacharya v. Murray, 93 F.4th 675 (4th Cir. 2024)
- Constantine v. Rectors & Visitors of George Mason Univ., 411 F.3d 474 (4th Cir. 2005)

- Suarez Corp. Indus. v. McGraw, 202 F.3d 676 (4th Cir. 2000)
- Martin v. Duffy, 858 F.3d 239 (4th Cir. 2017)
- Tobey v. Jones, 706 F.3d 379 (4th Cir. 2013)
- Nieves v. Bartlett, 587 U.S. 391 (2019)
- Hensley v. Suttles, 167 F. Supp. 3d 753 (W.D.N.C. 2016)
- Maciariello v. Sumner, 973 F.2d 295 (4th Cir. 1992)
- Pearson v. Callahan, 555 U.S. 223 (2009)
- Trulock v. Freeh, 275 F.3d 391 (4th Cir. 2001)
- Wilcox v. Lyons, 970 F.3d 452 (4th Cir. 2020)
- Edwards v. City of Goldsboro, 178 F.3d 231 (4th Cir. 1999)
- Hinkle v. City of Clarksburg, W.Va., 81 F.3d 416 (4th Cir. 1996)
- Ziglar v. Abbasi, 582 U.S. 120 (2017)
- Buschi v. Kirven, 775 F.2d 1240 (4th Cir. 1985)

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