

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Civil Action No. 1:25-CV-417**

Charity Mainville,

Plaintiff, *pro se*

v.

**EUGENE H. SOAR, Clerk of the
North Carolina Court of Appeals, in
his individual and official capacity;
et al.**

Defendants.

**MEMORANDUM OF LAW IN
SUPPORT OF MOTION TO
DISMISS ON BEHALF OF
JUDICIAL DEFENDANTS**

INTRODUCTION

Plaintiff's complaint centers on her disagreement with judicial decisions rendered by the Wake County trial court and North Carolina Court of Appeals. The Complaint should be dismissed because the claims are barred by the *Rooker-Feldman* doctrine, absolute judicial immunity, and the Eleventh Amendment. Alternatively, this Court should abstain pursuant to the *Younger* abstention doctrine.

STATEMENT OF THE CASE

Plaintiff initiated this matter on May 23, 2025, by filing a complaint (DE 1) and causing summonses to be issued to Defendants Eugene Soar, Margaret Eagles, Christine Walczyk, Vartan Davidian III, John Does 1-3 (collectively "Judicial Defendants"), and private attorney David Yopp. (*Id.*) Upon information and belief, these summons and a copy of Plaintiff's Complaint were served on Clerk Soar and

Judge Walczyk on June 5, 2025. (DE 14) Judge Eagles was served on June 10, 2025. (DE 15) Judge Davidian was served on June 6, 2025. (DE 17)

Plaintiff brings this civil action against the Defendants pursuant to 42 U.S.C. § 1983, alleging that Defendants' actions in a civil proceeding filed in Wake County, North Carolina, violated her rights under the Fourteenth and First Amendments to the United States Constitution, as well as Title II of the Americans with Disabilities Act ("ADA"). (DE 1, p 3, ¶ II. A., B.)

Plaintiff requests the following relief as to the Judicial Defendants:

- (1) Injunctive and declaratory relief to stop ongoing procedural interference in state court and ensure access to justice;
- (2) \$150,000 in compensatory damages against Defendants Soar and Yopp for emotional distress, lost income, and harm caused by prolonged procedural abuse and obstruction;
- (3) \$350,000 in punitive damages against Defendants Soar and Yopp for knowingly engaging in misconduct outside their lawful authority; and
- (4) Correction of the appellate record and disclosure of judicial identities[.]

(DE 1, p 5, ¶ V. 1.-4.; pp 61-64, ¶ IV.)

SUMMARY OF FACTS

Plaintiff's complaint stems from an ongoing housing dispute between two private litigants proceeding in state court. (DE 1, pp 10-13.) Plaintiff alleges that each Defendant has contravened various state statutes, regulations, and local rules throughout the proceeding, (*id.* at pp 13-58), depriving her of her Fourteenth

Amendment due process protections, her First Amendment rights, and the protections afforded by Title II of the ADA, (*see id.* at p 3, ¶ II. A., B.). Plaintiff's claims include:

- Defendant Walczyk failed to rule on key filings, enforced rules selectively, and disregarded Plaintiff's disability-related concerns.
- Defendant Eagles signed conflicting orders, failed to address procedural violations, and ignored accommodation issues.
- Defendant Davidian held improper hearings and ruled during Plaintiff's appeal and made harmful, dismissive remarks.
- Defendant Soar withheld filings, delayed record processing, and concealed judicial identities, obstructing appellate access.
- Defendants John Does 1-3 issued anonymous rulings without explanation or legal basis.

(*Id.* at p 4, ¶ III. C.)

Plaintiff contends she has sustained “psychological and emotional injuries as a direct result of Defendants’ conduct” and that the litigation process has escalated her existing Complex Post-Traumatic Stress Disorder symptoms as it requires her to “respond to abusive filings, surprise rulings, or sudden court actions.” (*Id.* at p 5, ¶ IV.) Plaintiff also contends she has a known disability requiring protections under Title II of the ADA that was violated by Defendants. (*Id.* at p 3, ¶ II. A., B.; pp 10–13, ¶ III. Nos. 2., 8.) Plaintiff's ADA accommodation request was denied. (*Id.* at p 13, ¶ III. No. 9.)

LAW AND ARGUMENT

I. Standards of Review

A. Rule 12(b)(1)

This Court must dismiss all or part of a complaint over which it lacks subject matter jurisdiction. Fed. R. Civ. P. 12(b)(1). This threshold question must be addressed by the court before considering the merits of the case. *Jones v. Am. Postal Workers Union*, 192 F.3d 417, 422 (4th Cir. 1999). When subject matter jurisdiction is challenged, the plaintiff has the burden of proving jurisdiction to survive the motion. *Evans v. B.F. Perkins Co., a Div. of Standex Int'l Corp.*, 166 F.3d 642, 647–50 (4th Cir. 1999). In conducting its review of whether jurisdiction is proper, “the facts alleged in the complaint are taken as true, and the motion must be denied if the complaint alleges sufficient facts to invoke subject matter jurisdiction.” *Kerns v. United States*, 585 F.3d 187, 192 (4th Cir. 2009).

B. Rule 12(b)(6)

“A motion to dismiss under Rule 12(b)(6) challenges the legal sufficiency of a complaint, including whether it meets the pleading standard of Rule 8(a)(2).” *Robey v. Charlotte-Mecklenburg Bd. of Educ.*, No. 3:24-cv-00004-RJC-SCR, 2024 U.S. Dist. LEXIS 177990, at *2 (W.D.N.C. Sep. 30, 2024) (cleaned up). In reviewing a Rule 12(b)(6) motion, the Court must accept as true all factual allegations in the complaint and draw all reasonable inferences in the light most favorable to the plaintiff. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555–56 (2007). To survive a Rule 12(b)(6) motion, “[f]actual allegations must be enough to raise a right to relief above the speculative level,” with the complaint having “enough facts to state a claim to relief that is

plausible on its face.” *Id.* at 570. “[T]he tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions,” and “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements” are insufficient. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Twombly*, 550 U.S. at 555).

Pro se complaints are construed liberally and held to a less stringent standard than those drafted by attorneys. See *Erickson v. Pardus*, 551 U.S. 89, 94 (2007); *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). However, a complaint may survive a motion to dismiss only if it states a plausible claim for relief that permits the court to infer more than the mere possibility of misconduct based upon its judicial experience and common sense. *Iqbal*, 556 U.S. at 679.

II. Plaintiff’s claims are barred by the *Rooker-Feldman* doctrine

The *Rooker-Feldman* doctrine applies when a federal litigant seeks to review or overturn a state court order in federal district court. *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 281 (2005). “Congress has vested only the [United States] Supreme Court with jurisdiction to review state court decisions.” *Adkins v. Rumsfeld*, 464 F.3d 456, 463 (4th Cir. 2006); see 28 U.S.C. § 1257. The *Rooker-Feldman* doctrine prevents the federal court from determining that a state court judgment was erroneously entered or taking action that would render a state court judgment ineffectual. *Jordahl v. Democratic Party of Virginia*, 122 F.3d 192, 202 (4th Cir. 1997).

Rooker-Feldman “bars lower federal courts from considering not only issues raised and decided in the state courts, but also issues that are ‘inextricably intertwined’ with the issues that were before the state court.” *Washington v. Wilmore*, 407 F.3d 274, 279 (4th Cir. 2005). An issue is “inextricably intertwined” with those before the state court if “success on the federal claim depends upon a determination that the state court wrongly decided the issues before it.” *Plyler v. Moore*, 129 F.3d 728, 731 (4th Cir. 1997) (internal quotation marks and citation omitted); *see also Davani v. Virginia Dep’t of Transp.*, 434 F.3d 712, 719 (4th Cir. 2006) (“[I]f the state-court loser seeks redress in the federal district court for the injury caused by the state-court decision, his federal claim is, by definition, ‘inextricably intertwined’ with the state-court decision, and is therefore outside of the jurisdiction of the federal district court.”).

A plaintiff “may not escape the jurisdictional bar of *Rooker-Feldman* by merely refashioning his attack on the state court judgments as a § 1983 claim.” *Jordahl*, 122 F.3d at 202. Instead, a plaintiff who asserts that “a state proceeding has violated their constitutional rights must appeal that decision through their state courts and thence to the Supreme Court.” *Id.* at 203.

Here, any such relief Plaintiff seeks from Defendants is so “inextricably intertwined” with the state court decisions that this Court would have to reconsider prior state court decisions to determine whether they were properly decided. *See Betts v. Armstrong*, 1:25CV341, 2025 U.S. Dist. LEXIS 95582, at *6–7 (M.D.N.C. May 5, 2025). Plaintiff’s allegations of statutory and constitutional violations (*see* DE 1, p 4, ¶

II. D., pp 13–58) are rooted in the decisions and judicial actions that occurred in state court. Plaintiff's requested relief includes a declaration to “stop ongoing procedural interference in state court[,]” compensatory damages against Defendant Soar for harm caused by “prolonged procedural abuse[,]” and “correction of the appellate record[.]” (DE 1, p 5, ¶ V. 1., 2., 4.) Plaintiff therefore necessarily “seeks redress in the federal district court for the injury cause[d] by the state-court decision[s].” *Davani*, 434 F.3d at 719. Plaintiff's claims are “by definition, ‘inextricably intertwined’ with the state-court decision[s].” *Id.* Accordingly, Plaintiff's claims are barred by the *Rooker-Feldman* doctrine, and this Court lacks subject matter jurisdiction.

III. Plaintiff's claims are barred by the Eleventh Amendment

The Judicial Defendants are immune from this lawsuit pursuant to North Carolina's sovereign immunity as guaranteed by the Eleventh Amendment. The Eleventh Amendment is a complete bar to suit against a state in federal court. *See, e.g., Puerto Rico Aqueduct & Sewer Auth. v. Metcalf & Eddy, Inc.*, 506 U.S. 139, 144 (1993). State's sovereign immunity extends to “arms of the State,” *Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274, 280 (1977), including state agencies and officers acting in their official capacity. *Gray v. Laws*, 51 F.3d 426, 430 (4th Cir. 1995); *Ballenger v. Owens*, 352 F.3d 842, 845 (4th Cir. 2003). After all, “a suit against a state official in his or her official capacity is not a suit against the official but rather is a suit against the official's office.” *Will v. Michigan Dep't of State Police*, 491 U.S. 58, 71 (1989).

The exceptions to sovereign immunity may allow a lawsuit against state officials

(1) where Congress has properly abrogated a state's immunity, *Fitzpatrick v. Bitzer*, 427 U.S. 445, 452–56 (1976); (2) where a state has waived its immunity to suit in federal court, *Coll. Sav. Bank v. Fla. Prepaid Postsecondary Educ. Expense Bd.*, 527 U.S. 666, 670 (1999); or (3) where a private party sues an appropriate state officer for prospective injunctive or declaratory relief from an ongoing violation of federal law, *Ex parte Young*, 209 U.S. 123, 155–56 (1908). These exceptions to sovereign immunity are exceedingly narrow, and none defeat North Carolina's immunity under the facts pled by Plaintiff here.

First, it is well-settled that Congress did not abrogate sovereign immunity or other applicable immunities when it created a private right of action under 42 U.S.C. § 1983. *Will*, 491 U.S. at 66; *Burns v. Reed*, 500 U.S. 478, 484 (1991). Second, the State of North Carolina has not consented to suit in federal court by any express waiver. *Bright v. McClure*, 865 F.2d 623, 626 (4th Cir. 1989). The *Ex parte Young* exception to the Eleventh Amendment immunity does not apply either.

The *Ex parte Young* doctrine established a narrow exception to sovereign immunity to seek prospective relief against state officers who are charged with enforcing an unconstitutional state law. Under this doctrine, a plaintiff must sue an official who is “directly involved” in enforcing state laws and policies that are contrary to federal law. *Waste Mgmt. Holdings, Inc. v. Gilmore*, 252 F.3d 316, 332 (4th Cir. 2001).

Here, Plaintiff sued state court judges and the clerk of the North Carolina Court of Appeals. The *Ex parte Young* exception, by its own express terms, does not apply to

these judicial officials. As the *Ex parte Young* court explained “the right to enjoin an individual, even though a state official, does not include the power to restrain a court from acting in any case brought before it,” since “an injunction against a state court would be a violation of the whole scheme of our Government.” 209 U.S. at 163. “The difference between the power to enjoin an individual from doing certain things, and the power to enjoin courts from proceeding in their own way to exercise jurisdiction is plain, and no power to do the latter exists” *Id.* With that, the *Ex parte Young* exception to sovereign immunity “does not normally permit federal courts to issue injunctions against state-court judges or clerks. Usually, those individuals do not enforce state laws as executive officials might[.]” *Whole Woman's Health v. Jackson*, 595 U.S. 30 (2021) (unanimously rejecting the *Ex parte Young* relief against state-court judges, and with majority reaching the same conclusion with respect to state-court clerks).

In addition to the fact that the *Ex parte Young* exception does not apply to judicial officials, injunctive relief is generally not available against judicial officials. That is, 42 U.S.C. § 1983 was amended in 1996 to state that “in any action brought against a judicial officer for an act or omission taken in such officer’s judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.” 42 U.S.C. § 1983 (amended by PL 104–317, October 19, 1996, 110 Stat 3847 (Oct. 19, 1996) (Federal Courts Improvement Act of 1996 (“FCIA”))).

Here, each of Plaintiff's requests for non-monetary relief would intrude into the judicial function, which *Ex parte Young* does not allow. Plaintiff seeks that the federal court grant "injunctive and declaratory relief to stop ongoing procedural interference in state court and ensure access to justice" and "correction of the appellate record and disclosure of judicial identities." The *Ex parte Young* exception does not permit federal courts to enjoin state court proceedings in this manner.

In addition, Plaintiff's non-monetary requests for relief are largely directed at past judicial conduct, not ongoing violations, and seek retrospective relief. Such relief is barred by the Eleventh Amendment. *Green v. Mansour*, 474 U.S. 64, 68 (1985). Accordingly, Plaintiff's official capacity claims are barred by the Eleventh Amendment and should be dismissed pursuant to Rule 12(b)(1).

IV. Plaintiff's claims are barred by absolute judicial immunity

The Judicial Defendants are also protected by absolute judicial immunity. *See Stump v. Sparkman*, 435 U.S. 349, 356–57 (1978). The Fourth Circuit has declared the law to be settled for centuries that a judge may not be attacked for exercising judicial authority. *Dean v. Shirer*, 547 F.2d 227, 231 (4th Cir. 1976). So strong, in fact, is the doctrine of judicial immunity, it survives even when the exercise of judicial authority is done improperly. *Id.* The United States Supreme Court held that judges are not liable in civil actions for their judicial acts, even when such acts are in excess of their jurisdiction and are alleged to have been done maliciously or corruptly. *Bradley v. Fisher*, 80 U.S. 335, 352 (1871). Rather, a judge will only be subject to civil liability

when he has acted in the “clear absence of all jurisdiction.” *Stump*, 435 U.S. at 356–57 (quoting *Bradley*, 80 U.S. at 351).

Plaintiff’s allegations regarding the conduct of the Judicial Defendants within the state court proceedings are plainly barred by judicial immunity. In addition, “the act of the appellate court judges in issuing orders designated as “By order of the Court” is a core judicial function” protected by judicial immunity.¹ *Bishop v. Funderburk*, No. 3:21-cv-679-MOC-DCK, 2022 U.S. Dist. LEXIS 82174, at *25 (W.D.N.C. May 6, 2022).

Similarly, Clerk Soar is entitled to “absolute quasi-judicial immunity for tasks he performed as an integral part of the judicial process.” *Id.* Court clerks enjoy derivative absolute judicial immunity when they obey a judicial order or act under the court's direction. *See, e.g., Whole Woman's Health v. Jackson*, 595 U.S. 30, 43 (2021) (stating that “nothing ... supports the[] novel suggestion that we should allow ... relief against state-court clerks, all while simultaneously holding the judges they serve immune”); *McCray v. State of Md.*, 456 F.2d 1, 5 n.11 (4th Cir. 1972) (“Since judges are immune from suit for their decisions, it would be manifestly unfair to hold liable the ministerial officers who merely carry out that judicial will.”); *Dalenko v. Stephens*, 917 F. Supp. 2d 535, 552 (E.D.N.C. 2013) (assistant clerk of court is immune for actions

¹ Though there is no legal requirement to do so, as of August 2022, the identity and votes of Court of Appeals judges are disclosed on a 90-day delay. The North Carolina Judicial Branch, *Court of Appeals-Orders*, available at <https://appellate.nccourts.org/orders.php?court=2>; *see* N.C. R. App. § 16.06.

taken pursuant to court orders).

Therefore, Plaintiff's allegations that Clerk Soar "obstruct[ed] access to public records, [withheld] judicial identities, reject[ed] procedurally compliant filings, and selectively enforce[d] administrative procedures" (DE 1, p 8, ¶ II a.), are barred by quasi-judicial immunity.

To the extent Plaintiff purports to bring a claim that the Judicial Defendants violated her rights under Title II of the ADA, these claims are likewise barred by judicial immunity. The United States Supreme Court has recognized Congress's limited abrogation of sovereign immunity for purposes of Title II of the ADA, *Tennessee v. Lane*, 541 U.S. 509, 534 (2004), but made it clear that its holding was limited to certain cases involving violations of the fundamental right of access to the courts. *Id.*

Here, Plaintiff's challenges to Defendants' actions do not implicate a violation of her access to the courts. Plaintiff had the opportunity to submit her court filings throughout the North Carolina Court System and took advantage of that opportunity. *See Barcello v. Welch*, 1:23-cv-137-MOC-WCM, 2023 U.S. Dist. LEXIS 173198, at *8 (W.D.N.C. Sep. 27, 2023). Ruling against Plaintiff on her motions over her disagreement does not demonstrate that Defendants "created an obstacle to her participation in the judicial proceedings." *Id.* Thus, Plaintiff's ADA claims are barred by judicial immunity.

Ultimately, Plaintiff's claims against Defendants arise solely from their actions

in presiding over and adjudicating her housing dispute and the motions that preceded this Complaint. The acts complained of, even if disliked by Plaintiff, are quintessential judicial functions undertaken within the scope of Defendants' jurisdiction. Plaintiff's disagreement with their decisions does not strip them of immunity. Because Plaintiff identifies no conduct outside the Defendants' judicial roles or the absence of jurisdiction, absolute judicial immunity bars the claims against them.

IV. Alternatively, *Younger* warrants abstention with respect to ongoing state litigation

Even if Plaintiff's claims were not barred by *Rooker-Feldman*, the Eleventh Amendment, and absolute judicial immunity, abstention is proper here based on the application of *Younger* abstention principles. *Younger* is concerned with the principles of comity and giving due deference to state court's pending cases. *Younger v. Harris*, 401 U.S. 37, 44 (1971). *Younger* exemplifies a class of cases in which federal-court abstention is required when there is a parallel, pending state proceeding. The Supreme Court has extended *Younger* abstention to state civil proceedings that implicate a state's interest in enforcing the orders and judgments of its courts. *Pennzoil Co. v. Texaco, Inc.*, 481 U.S. 1 (1987); *Huffman v. Pursue, Ltd.*, 420 U.S. 592, 608 (1975). *Younger* circumstances now encompass pending "civil proceedings involving certain orders that are uniquely in furtherance of the state courts' ability to perform their judicial functions." *New Orleans Pub. Serv., Inc. v. Council of City of New Orleans*, 491 U.S. 350, 367–68 (1989); see *Sprint Commc'ns, Inc. v. Jacobs*, 571 U.S. 69, 78 (2013).

The Fourth Circuit has held that the *Younger* abstention doctrine applies “to noncriminal judicial proceedings when important state interests are involved,” *Harper v. Pub. Serv. Comm'n of W.VA.*, 396 F.3d 348, 351 (4th Cir. 2005) (internal quotation marks omitted). Another district court in this circuit explicitly found that “the mere fact that the state-court proceedings involve private litigation between private parties is not enough to prevent a court from invoking the *Younger* if the elements are otherwise met.” *Nelson v. Green*, No. 3:06cv00070, 2007 U.S. Dist. LEXIS 60129, at *9 (W.D. Va. Aug. 16, 2007).

Here, Plaintiff’s complaint centers on her dissatisfaction with actions taken by state court judges and judicial officers during the course of state court litigation, and she seeks extensive federal court intervention into those proceedings. These allegations implicate *Younger* abstention. First, Plaintiff’s claims arise directly out of active and ongoing litigation in North Carolina state courts. This is the textbook definition of a case where federal intervention would improperly interfere with ongoing state judicial processes. Second, the state has a significant and well-established interest in administering its own court system and adjudicating matters arising under state law, such as those which underlie Plaintiff’s state court action. *See Pennzoil Co.*, 481 U.S. at 12–14. Third, Plaintiff had and has the opportunity to raise her federal claims in the state court proceedings themselves or through appropriate appellate review. The state courts are presumed to be competent to hear and address constitutional arguments. *Middlesex Cnty. Ethics Comm. v. Garden State Bar Ass'n*, 457 U.S. 423, 431 (1982).

This is a paradigmatic *Younger* case. Plaintiff is asking a federal court to halt, revise, and supervise state judicial processes. Accordingly, this Court should abstain and dismiss under the *Younger* abstention doctrine.

CONCLUSION

For all of these reasons, the Judicial Defendants respectfully request this Court grant their motion to dismiss.

Respectfully submitted, this the 26th day of June, 2025.

JEFF JACKSON
ATTORNEY GENERAL

/s/Elizabeth Curran O'Brien
Elizabeth Curran O'Brien
Special Deputy Attorney General
N.C. State Bar No. 28885
North Carolina Department of Justice
Counsel for Judicial Defendants