

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1282

NORTH CAROLINA DIVISION OF SONS OF CONFEDERATE VETERANS,
INC.,

Plaintiff - Appellant,

v.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION; J. ERIC
BOYETTE, in his official capacity as Secretary of Transportation of the State of
North Carolina; NORTH CAROLINA DIVISION OF MOTOR VEHICLES;
WAYNE GOODWIN, in his official capacity as Commissioner of Motor Vehicles
of the State of North Carolina,

Defendants - Appellees.

Appeal from the United States District Court for the Middle District of North Carolina, at
Greensboro. William L. Osteen, Jr., District Judge. (1:21-cv-00296-WO-LPA)

Submitted: December 20, 2022

Decided: December 22, 2022

Before NIEMEYER and QUATTLEBAUM, Circuit Judges, and FLOYD, Senior Circuit
Judge.

Affirmed by unpublished per curiam opinion.

ON BRIEF: James B. Wilson, Jr., JAMES BARRETT WILSON & ASSOCIATES,
Winston Salem, North Carolina, for Appellant. Joshua H. Stein, Attorney General, Sarah
G. Boyce, Deputy Solicitor General, Kathryne E. Hathcock, Special Deputy Attorney

General, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina,
for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

North Carolina Division of Sons of Confederate Veterans, Inc. (“NCSCV”), appeals the district court’s order dismissing its 42 U.S.C. § 1983 complaint for failure to state a claim upon which relief may be granted under Fed. R. Civ. P. 12(b)(6). NCSCV filed the complaint in state court, alleging that Defendants’ rejection of NCSCV’s specialty license plate design violated its rights to free speech, due process, and equal protection. The design included the NCSCV’s insignia, which features a Confederate battle flag. Defendants removed the action to federal court and moved to dismiss the complaint. The district court granted Defendants’ motion. On appeal, NCSCV reasserts its claims that Defendants’ rejection of NCSCV’s specialty license plate design violated its rights under the First and Fourteenth Amendments. NCSCV also argues that North Carolina’s specialty license plate program expresses a state public policy that does not provide Defendants discretion to regulate license plate designs. We affirm.

We review de novo the grant of a motion to dismiss for failure to state a claim. *Rockville Cars, LLC v. City of Rockville*, 891 F.3d 141, 145 (4th Cir. 2018). “In conducting such a review, we accept the complaint’s factual allegations as true and draw all reasonable inferences in favor of the plaintiff.” *Dawson-Murdock v. Nat’l Counseling Grp., Inc.*, 931 F.3d 269, 274-75 (4th Cir. 2019) (cleaned up). We have thoroughly reviewed the briefs, joint appendix, and the entire record and find no reversible error. Accordingly, we affirm the district court’s judgment. *N.C. Div. of Sons of Confederate Veterans, Inc. v. N.C. Dep’t of Transp.*, No. 1:21-cv-00296-WO-LPA (M.D.N.C. Apr. 8, 2022). We dispense with oral argument because the facts and legal contentions are adequately

presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED