

No. \_\_\_\_\_

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**In The  
Supreme Court of the United States**

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

*Petitioner,*

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; and TORRE JESSUP,  
In his official capacity as Commissioner of  
Motor Vehicles of the State of North Carolina,

*Respondents.*

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**On Petition For Writ Of Certiorari  
To The United States Court Of Appeals  
For The Fourth Circuit**

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**PETITION FOR A WRIT OF CERTIORARI**

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## QUESTIONS PRESENTED

1. Did the district court and Fourth Circuit Court of Appeals err in applying the “Government Speech” doctrine to limit the speech of private citizens and organizations participating in a specialty license plate program which originated in a statute that did not vest the government agency with any discretion with regard to the eligibility of civic groups or the design of the civic group’s emblem?

2. Did the district court and Fourth Circuit Court of Appeals err in failing to apply the public forum doctrine to a specialty license plate program which originated in a statute which did not vest the government agency with any discretion with regard to the design of such specialty plates other than to ensure the readability of such plates?

3. Did the district court and Fourth Circuit Court of Appeals err in applying the “Government Speech” doctrine where there was an adequate and independent state law basis which did not implicate the Constitution to hold that the NC-DMV exceeded its authority by denying members of Petitioner the ability to obtain and display a specialty license plate?

## **PARTIES TO THE PROCEEDING**

Petitioner North Carolina Division of Sons of Confederate Veterans, Inc. was the plaintiff in the district court proceedings and appellant in the Court of Appeals proceedings. Respondents North Carolina Department of Transportation; J. Eric Boyette, North Carolina Division of Motor Vehicles; and Torre Jessup were the defendants in the district court proceedings and appellees in the Court of Appeals proceedings.

## **CORPORATE DISCLOSURE STATEMENT**

Pursuant to Rule 29.6, Petitioner North Carolina Division of Sons of Confederate Veterans, Inc. states that it has no parent corporation and no publicly held corporation holds 10% or more of its stock.

## **RELATED CASES**

*North Carolina Division of Sons of Confederate Veterans, Inc. v. North Carolina Department of Transportation; J. Eric Boyette, North Carolina Division of Motor Vehicles; and Torre Jessup*; No. 1:21-cv-00296, United States District Court for the Middle District of North Carolina. Judgment entered April 8, 2022.

*North Carolina Division of Sons of Confederate Veterans, Inc. v. North Carolina Department of Transportation; J. Eric Boyette, North Carolina Division of Motor Vehicles; and Torre Jessup*; No. 22-1292, United States Court of Appeals for the Fourth Circuit. Judgment entered December 22, 2022.

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