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App. 1

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1282

NORTH CAROLINA DIVISION OF SONS OF CON-
FEDERATE VETERANS, INC.,

Plaintiff - Appellant,

v.

NORTH CAROLINA DEPARTMENT OF TRANS-
PORTATION; J. ERIC BOYETTE, in his official capac-
ity as Secretary of Transportation of the State of North
Carolina; NORTH CAROLINA DIVISION OF MOTOR
VEHICLES; WAYNE GOODWIN, in his official capac-
ity 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. Wil-
liam 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Affirmed by unpublished per curiam opinion.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Unpublished opinions are not binding precedent in this circuit.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

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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

App. 4

FILED: December 22, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1282
(1:21-cv-00296-WO-LPA)

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

JUDGMENT

In accordance with the decision of this court, the
judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this
court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

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