

COPY



United States District Court  
Eastern District of North Carolina  
Office of the Clerk  
PO Box 25670  
Raleigh, North Carolina 27611

Phone (919) 645-1700  
Fax (919) 645-1750

Peter A. Moore, Jr.  
Clerk of Court

October 4, 2018

La Keitra Coulter  
NC Department of Public Safety  
Prison Admin. - Fiscal Training & Support  
831 W. Morgan Street/MSC 4260  
Raleigh, NC 27699-4260

Dear Madam:

In accordance with the court's procedure for determining the indigent status of prisoners who have instituted a civil action in this court, please forward a copy of your financial records for **James Gregory Armistead, prison/opus number 0010094** for the six-month period beginning **April 3, 2018** through **October 3, 2018**. Your financial records should be mailed to the above address to the attention of: CRT Section.

Thank you,

/s/ Peter A. Moore, Jr.  
Clerk

PAM/ldl

Case Number 5:18-CT-3274-BO

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

JAMES GREGORY ARMISTEAD,  
Plaintiff,

v.

LAURA P. WATSON, JENNIE BOWEN,  
TIMOTHY WARE, ROGER  
SHACKLEFORD, MOSE DORSEY, and  
SETH EDWARDS,

Defendants.

**Judgment in a Civil Case**

Civil Case Number: 5:18-CT-3274-BO

**Decision by Court.**

This case came before the Honorable Terrence W. Boyle, Chief United States District Judge, for initial review under 28 U.S.C. § 1915A.

**IT IS ORDERED AND ADJUDGED** that this action is hereby dismissed as malicious pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

This Judgment Filed and Entered on April 19, 2019, with service on:

James Gregory Armistead 0010094  
Scotland Correctional Institution  
22385 McGirts Bridge Rd.  
Laurinburg, NC 28353  
(via U.S. Mail)

April 19, 2019

/s/ Peter A. Moore, Jr.

Clerk of Court

By: *Laura J. [Signature]*  
Deputy Clerk

FILED: July 31, 2019

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 19-6629  
(5:18-ct-03274-BO)

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JAMES GREGORY ARMISTEAD

Plaintiff - Appellant

v.

LAURA P. WATSON; JENNIE BOWEN; TIMOTHY WARE; ROGER  
SHACKLEFORD; MOSE DORSEY; SETH EDWARDS

Defendants - Appellees

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M A N D A T E

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The judgment of this court, entered June 24, 2019, takes effect today.

This constitutes the formal mandate of this court issued pursuant to Rule  
41(a) of the Federal Rules of Appellate Procedure.

/s/Patricia S. Connor, Clerk

APPENDIX-B

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

No. 19-6629, James Armistead v. Laura Watson  
5:18-ct-03274-BO

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NOTICE OF JUDGMENT

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Judgment was entered on this date in accordance with Fed. R. App. P. 36. Please be advised of the following time periods:

**PETITION FOR WRIT OF CERTIORARI:** To be timely, a petition for certiorari must be filed in the United States Supreme Court within 90 days of this court's entry of judgment. The time does not run from issuance of the mandate. If a petition for panel or en banc rehearing is timely filed, the time runs from denial of that petition. Review on writ of certiorari is not a matter of right, but of judicial discretion, and will be granted only for compelling reasons. ([www.supremecourt.gov](http://www.supremecourt.gov))

**VOUCHERS FOR PAYMENT OF APPOINTED OR ASSIGNED COUNSEL:** Vouchers must be submitted within 60 days of entry of judgment or denial of rehearing, whichever is later. If counsel files a petition for certiorari, the 60-day period runs from filing the certiorari petition. (Loc. R. 46(d)). If payment is being made from CJA funds, counsel should submit the CJA 20 or CJA 30 Voucher through the CJA eVoucher system. In cases not covered by the Criminal Justice Act, counsel should submit the Assigned Counsel Voucher to the clerk's office for payment from the Attorney Admission Fund. An Assigned Counsel Voucher will be sent to counsel shortly after entry of judgment. Forms and instructions are also available on the court's web site, [www.ca4.uscourts.gov](http://www.ca4.uscourts.gov), or from the clerk's office.

**BILL OF COSTS:** A party to whom costs are allowable, who desires taxation of costs, shall file a Bill of Costs within 14 calendar days of entry of judgment. (FRAP 39, Loc. R. 39(b)).

APPENDIX-B

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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**No. 19-6629**

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**JAMES GREGORY ARMISTEAD,**

**Plaintiff - Appellant,**

**v.**

**LAURA P. WATSON; JENNIE BOWEN; TIMOTHY WARE; ROGER  
SHACKLEFORD; MOSE DORSEY; SETH EDWARDS,**

**Defendants - Appellees.**

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Appeal from the United States District Court for the Eastern District of North Carolina, at  
Raleigh. Terrence W. Boyle, Chief District Judge. (5:18-ct-03274-BO)

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Submitted: June 7, 2019

Decided: June 24, 2019

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Before NIEMEYER and HARRIS, Circuit Judges, and TRAXLER, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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James G. Armistead, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

## PER CURIAM:

James Gregory Armistead appeals the district court's order dismissing his 42 U.S.C. § 1983 (2012) complaint under 28 U.S.C. § 1915(e)(2)(B)(i) (2012). We have reviewed the record and find no reversible error. Accordingly, we deny the pending motions and affirm for the reasons stated by the district court. *See Armistead v. Watson*, No. 5:18-ct-03274-BO (E.D.N.C. Apr. 19, 2019). 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*

FILED: May 29, 2019

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 19-6629  
(5:18-ct-03274-BO)

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JAMES GREGORY ARMISTEAD

Plaintiff - Appellant

v.

LAURA P. WATSON; JENNIE BOWEN; TIMOTHY WARE; ROGER  
SHACKLEFORD; MOSE DORSEY; SETH EDWARDS

Defendants - Appellees

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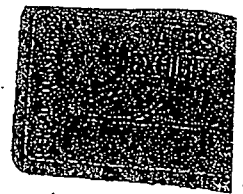
ORDER

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James G. Armistead, #0010094, has applied to proceed without prepayment of fees and given written consent to the collection in installments of the filing fee from appellant's trust account in accordance with the terms of the Prison Litigation Reform Act, 28 U.S.C. § 1915(b)(PLRA). The court grants appellant leave to proceed without full prepayment of fees and directs that:

an initial partial fee of 20 percent of the greater of the average monthly deposits or average monthly balance for the six-month period immediately preceding the filing of

APPENDIX-B



## REGION Q

### WIA PARTICIPANT TRAINING/JOB SEARCH AGREEMENT

Per the Workforce Investment Act of 1998, Public Law 105-220, the purpose of WIA is "to provide workforce investment activities that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the Nation." The WIA program provides comprehensive assessment of needs for job seekers, job-related services, on the job training and, where appropriate based on the assessment, assistance with tuition, books, fees and supplies and other training related costs for vocational and technical training for eligible individuals. The program is not an entitlement program or merely a financial assistance program, but is a training program with the goal of unsubsidized employment at the completion of primary services.

As a participant in the WIA Adult or Dislocated Worker Program, you will be required to do the following:

#### General Requirements:

- o Notify your WIA Career Consultant if you change your address and/or telephone number.
- o Notify your WIA Career Consultant if you have any changes in your personal situation and/or health that could impact the completion of your training and/or job readiness.
- o Submit all required paperwork in a timely manner to your WIA Career Consultant.
- o Meet with your WIA Career Consultant on a bi-weekly basis or more often as needed. The participant must maintain contact with the WIA Career Consultant as required by the WIA Career Consultant. Inadequate contact may result in denial of funding.

#### Requirements for Training:

- o All fund sources, with the exception of loans, will be considered in determining an individual's need for WIA funds. The exact mix of funds will be determined based on the availability of funding for training costs and supportive services. You are required to apply for Federal financial aid annually.
- o Provide your WIA Career Consultant with documentation indicating submission of financial aid forms and a copy of the award or denial letter annually.
- o Students enrolled in training need to have full-time status. As you progress in your curriculum program, there may be times when a full-time load can not be taken due to classes that have already been taken or due to classes not offered for the semester. In this case, a letter can be obtained from your advisor verifying that those are the only classes available for you to take for the semester. Remember that WIA is training based on individual needs and services and this will be dealt with on a case by case basis.
- o Attend classes at your training institution on a regular basis. Attendance sheets must be turned in on a bi-weekly or monthly basis, regardless of whether you are receiving transportation reimbursement. Travel vouchers need to be turned in according to the date specified by your WIA Career Consultant.
- o A 2.0 grade point average (GPA) must be maintained while enrolled in training. If your GPA falls below a 2.0, you will be placed on WIA probation and have one semester to raise your GPA back to 2.0. After the one semester of probation, if your GPA is not increased to a least a 2.0, WIA funding will be suspended. After suspension of WIA funding for low GPA, in order to have WIA funding reinstated, the participant has to maintain a GPA of 2.0 or higher for two consecutive semesters. The GPA will be calculated as an average of all grades from each community college attended while enrolled in the WIA Adult/DW Program. Your WIA Career Consultant will counsel you during the training portion of the program, but the primary responsibility for maintaining acceptable grades lies with the participant.



- o If you must change, drop, or withdraw from a class or classes, notify your WIA Career Consultant in advance. It is your obligation to withdraw or drop before the school's drop deadline so that WIA is not charged for your situation.
- o You need to notify your WIA Career Consultant prior to changing your major or curriculum. If you change to a curriculum that is not funded by WIA, you will not receive WIA assistance. Classes paid for by WIA funds will be paid one time only. WIA will not pay for repeat classes and developmental classes.
- o ONLY ITEMS REQUIRED FOR TRAINING WILL BE APPROVED FOR PAYMENT. Required items are defined as items required by all students in the class or program. You must obtain prior approval from your WIA Career Consultant if required items are needed that is not included on your ITA Voucher.
- o Timely completion of the WIA training program is mandatory for WIA funding to continue.

Requirements for Job Search:

- o Attend career planning and job development workshops as directed by your WIA Career Consultant. Job search and placement begins with the completion of training. After you complete training, the WIA Career Consultant will assist you with job search, but again the primary responsibility for the outcome of unsubsidized placement into a job lies with you. The WIA Career Consultant will assist with resume preparation and cover letters, search of the job database, and development of a job search plan.
- o Once employed, provide your case manager with your employer's name, your job title, employer's address, and telephone number. Your WIA Career Consultant is required to contact you each month for one year following your official exit date. You will also receive quarterly follow-up letters during your year of follow up. The WIA participant commits to retaining the unsubsidized job during the follow-up period.
- o Failure to comply may result in your termination from the program and/or a loss of funding.

I understand the above responsibilities to fulfill my role as a WIA participant and acknowledge that other responsibilities may be agreed upon for the successful completion of the WIA program. I accept this agreement and will do my part to successfully complete training and maintain unsubsidized placement.

James H. Cumislead  
PARTICIPANT SIGNATURE

8-3-09  
DATE

U. du An  
WIA CAREER CONSULTANT SIGNATURE

08/03/09  
DATE

**Beaufort County JobLink Career Center**

"Auxiliary aids and services are available upon request to individuals with disabilities."  
Relay numbers for the Hearing Impaired  
(TT) 1-800-735-2962 & (Voice) 1-800-735-8262  
Toll Free: 1-800-799-9194

1385 John Small Avenue  
Washington, North Carolina 27889  
Tel: (252) 946-3116 Fax: (252) 946-8700

January 6, 2010

Mr. James Armistead  
720 N. Charlotte Street  
Washington, NC 27889

Dear Mr. Armistead:

This letter serves to inform you that you will no longer receive any assistance through the Workforce Investment Act (WIA) program in Beaufort County. We will, however, honor the ITA voucher previously issued for you for Spring 2010 semester for tuition, books, fees, and supplies.

You sat before the Workforce Development Board/Committee on December 8, 2009 stating that you did not receive all the materials you needed for school, such as a code book and a calculator. The procedure was explained and you provided the required documentation from your instructor. You were issued checks to Office Depot (\$161.24) and Lowe's (\$170.50) for the required items. A check was issued directly to Beaufort County Community College for the required book.

We have since received documentation that we feel shows your willful intent to defraud the WIA program. This documentation includes: checks that were issued to pay for required tools, books and supplies, receipts of purchase, a letter from the Bookstore at Beaufort County Community College indicating an attempt to return a book paid for with WIA funds for cash, an electronic journal report from Office Depot showing a return of the TI-89 Graphic Calculator within 24 hours for cash, and a statement regarding an attempt to return tools to Lowe's within 12 hours of purchase, requirement to wait 15 days per store policy and the return receipt from Lowe's on the 15<sup>th</sup> day of the tools purchased for cash. An Incident Report has been filed with the US Department of Labor Office of Inspector General.

As a result of these occurrences and the escalating hostility toward the staff at the Beaufort County JobLink Center, we ask that you not visit our Center. Should you attempt to enter the Center, Mid-East Commission will consider this as trespassing and appropriate actions will be taken. If you have any questions or concerns, feel free to contact me directly by phone at (252)974-1828.



Career Planning, Training and Placement Services  
Mid-East Commission  
"Committed Equal Opportunity Employer/Programs"

DA-30

EX. B

Sincerely,

*Jennie C. Bowen*

Jennie C. Bowen  
Direct Services Director

Cc: Tim Ware  
Walter Dorsey

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Doe v. Metro. Police Dept, 445 F. 3d 460, 469 (D.C. Cir. 2006)  
(Congnizable § 1983 Claim against 4th Amendment for arrest  
for civil offenses.

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EX. C

## CIDENT/INVESTIGATION REPORT

Page 2

OCA  
10-000773-V

Status Codes	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found												
DRUGS	DCI	Status	Quantity	Type Measure	Suspected Type			Check up to 3 types of activity for each					
								Possess	Buy	Sale	Mfg.	Importing	Operating
OFFENDER	Offender Used Alcohol/Drugs		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Unk		Offender 1			Primary Offender Resident Status					
	Computer		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Unk		Age: 50 Race: B Sex: M			Age: Race: Sex:			Age: Race: Sex:		
SUSPECT	Name (Last, First, Middle)				Alias or Nickname				Home Address				
	ARMISTEAD, JAMES GREGORY								720 N. CHARLOTTE, WASHINGTON, NC 2788				
	Occupation				Business Address								
	UNK				BCCC - 5337 US HWY 264 EAST, WASHINGTON, NC 27889								
	DOB / Age		Race	Sex	Height	Weight	Build	Hair Color	Hair Style	Hair Length	Eye Color	Glasses	
	01/27/1959   50		B	M	6'00"	180	MED	BLK	STR	SRT	BLK	No	
	Scars, Marks, Tattoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)												
	Hat	Jacket	Shirt/Blouse	Tie/Scarf	Coat/Suit	Pants/Dress/Skirt	Socks	Shoes					
	Was Suspect Armed?		Type of Weapon				Direction of Travel			Mode of Travel			
	Unknown		97 - Not Applicable/None										
WITNESS	YVR	Make	Model	Style	Color	Lic/Lis	Vin						
	Name (last, first, middle)						DOB / Age	Race	Sex	OCA			
	Home Address				Home Phone		Employer		Phone				
NARRATIVE	Suspect Hate / Bias Motivated: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>												
	Narrative												
	On 01/12/2010 at apprx. 0907 hrs., I responded to 1385 John Small Ave. (Job Link) in reference to obtaining property by false pretense. Upon arrival I spoke with the reporting individual, the executive director of Job Link, Mr. Timothy Ware.												
	Mr. Ware stated that a black male by the name of James Armistead was receiving monetary support from Job Link and needed money for materials that were a necessity for a class he was taking at Beaufort Community College. Mr. Ware stated that Mr. Armistead needed materials from Lowe's and Office Depot. Job Link contacted both businesses and obtained a quote for how much all of the materials would cost, and they then cut Mr. Armistead two separate checks (made out to Lowe's and Office Depot) for the exact amount the materials would cost from each location. Mr. Armistead was given the two checks and purchased all of the materials from Lowe's and Office Depot. Mr. Armistead then brought a receipt of each transaction back to Job Link.												
	Mr. Ware stated that they also cut Mr. Armistead a check to purchase a book from BCCC bookstore for the amount of \$130.25. Mr. Armistead purchased the book but then tried to return the book for cash. Book store manager Thomas Hodges informed Mr. Armistead that if he returned the book, the cash would go back to Job Link. Mr. Armistead became angry and asked to speak with the Dean at the college. Mr. Hodges then informed Job Link of the situation, and Job Link began an investigation of their own to see if Mr. Armistead also returned the materials to Lowe's and Office Depot for cash. Job Link found that on 12/09/2009 Mr. Armistead returned all												

EX.C

## CONTINUATION PAGE

1. AGENCY Washington Police Department	2. ORI NC0070100	3. CONTINUATION TO: <input checked="" type="checkbox"/> INVESTIGATION <input type="checkbox"/> ARREST <input type="checkbox"/> SUPPLEMENTARY INV.	4. OCA FILE NO. 10-000773-V
<p>Narrative</p> <p>of his materials to Office Depot and received a cash refund for the total amount of \$161.61, and he also returned all of the materials to Lowe's on 12/29/2009 for a cash refund for the total amount of 173.95.</p> <p>Job Link wrote a letter to Mr. Armistead informing him that he was no longer going to receive assistance through the Workforce Investment Act, and he could no longer come on the premises of Job Link. Mr. Ware stated that he spoke with DA Seth Edwards and Mr. Edwards informed Mr. Ware that he needed to contact police to investigate the incident as obtaining property by false pretense.</p> <p>Attached to the report is a copy of the letter to Mr. Armistead informing him not to return to Job Link, copies of the purchases Mr. Armistead made at Lowe's, Office Depot, and BCCC book store, and copies of the return receipts Mr. Armistead made at Lowe's and Office Depot.</p> <p>I will contact Chief Swindell at BCCC and advise him of the situation that took place at the book store. End of narrative.</p>			
SUPPLEMENT #3    RON BLACK - 352    01/20/2010    11:35			
Oca # 10-000773/ Supplement submitted by Detective R. E. Black			
Crime: OPFP			
Suspect: James Gregory Armistead			
Victim: Mideast Commission (Job Link Career Center)			
Date reported: 01/17/2010 @ 0907 hrs.			
<p>On Tuesday, January 19, 2010 @ 0930 hrs I, Detective R.E. Black began reading the reports which were taken over the weekend. I noticed where this case was reported on 17th of January 2010 from Mideast Commission (Job Link). I began reading the report and learned that the suspect (James Gregory Armistead) had received two checks from Job link to purchase some items from Lowes and Office Depot for a class he was taking at the college. A few days later, Job Link wrote another check to the college book store so Armistead could have a book for his class. The original report stated that Armistead returned the items to Lowes and Office Depot for cash.</p> <p>@ 1000 hrs, I made contact with Job Link via telephone (946-3579) to speak with Timothy Ware. The receptionist advised that Ware wasn't in the office but would transfer me to Ms. Bowen. I introduced myself and the reasons regarding my call. I asked Bowen if Job Link wanted to pursue charges on Armistead and she advised yes. I thanked Bowen for her time and ended the phone conversation.</p> <p>@ 1008 hrs, I stopped by 720 Charlotte St. (Armistead address) but only spoke to his sister. The sister advised Armistead was in class and wouldn't be home until late night. I provided the sister with my business card and asked her to give it to Armistead and her advised she would. I left the</p>			
Officer Name / ID Greysen L. Ingalls - 361	Officer Signature	Date / Time Submitted 01/17/2010 20:50	Page <u>3</u> of <u>6</u>

EX. D

202 693-3980

Graces  
Kilbane



Kelen Park

404-302-5300

North Carolina  
Department of Commerce  
Division of Workforce Development

Beverly Eaves Perdue, Governor  
J. Keith Crisco, Secretary

Roger Shackelford, Executive Director

February 22, 2010

Mr. James Armistead  
418 Martin Luther King Drive  
Washington, North Carolina 27889

Dear Mr. Armistead:

I am in receipt of your letter forwarded to our office from the U. S. Department of Labor, Employment and Training Administration, Atlanta, GA. You have indicated the services you received at the Beaufort County JobLink Career Center were not satisfactory to you.

In reviewing the information provided by you in the letter forwarded to our office and the chronology of events provided by the Director of Region Q Workforce Development Board, we have determined the Mid-East Commission and the Region Q Workforce Development Board followed proper grievance procedures as outlined in the Department of Commerce, Division of Workforce Development, (Non-Criminal Program Complaints procedures.)

While a local Workforce Development Board has the responsibility and authority to determine a number of different elements of local service delivery, if you are not satisfied that proper procedures were followed, you have the right to file a grievance at a higher level. Because this is not an Equal Opportunity complaint, but a complaint against the program/JobLink Center, you have the right to file a grievance with the U. S. Department of Labor, Employment and Training Administration. You may mail your grievance along with a copy of this letter to the below listed address:

U. S. Department of Labor  
Employment and Training Administration  
Room S-4231  
200 Constitution Avenue, NW  
Washington, DC 20210

313 Chapanoke Rd. Suite 120 • 4316 Mail Service Center • Raleigh, North Carolina 27699-4316  
Tel: (919)329-5230 • Fax: (919)662-4770

An Equal Opportunity/Affirmative Action Employer/Program  
Auxiliary aids and services available upon request to individuals with disabilities.

EX. D

Mr. James Armistead

February 22, 2010

Page 2

Your request for a grievance determination must be in writing to the Employment and Training Administration and submitted within 120 days from the date of the receipt of this notification. It must contain your contact information (name, address, telephone number, email). In addition, the contact information of all persons involved in this matter, including the following:

Name:

Title/Organization:

Address:

Telephone Number:

Finally, you must provide a clear and concise statement of the acts/events that have taken place with dates of decisions made, and other information you deem necessary.

Sincerely,



Roger Shackleford  
Executive Director

cc: Walter Dorsey, Region Q Workforce Development Board  
Helen Parker, USDOL Region 3 Administrator, Atlanta, GA



EX.E

U.S. Department of Labor

Employment and Training Administration  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210



AUG 16 2010

Mr. James Armistead  
720 N. Charlotte Street  
Washington, North Carolina 27889

Dear Mr. Armistead:

This letter provides the U.S. Department of Labor's (DOL) final determination under 20 CFR 667.610(a)(2) regarding your Workforce Investment Act (WIA) appeal. You have appealed the North Carolina's Division of Workforce Development's final determination regarding your complaint about the WIA services you received through the Beaufort County JobLink Career Center. In your April 21, 2010 appeal letter to the Secretary of Labor, you allege that you were incorrectly found ineligible for dislocated worker services and generally treated unfairly with regards to the benefits you received.

We have completed our review of all the relevant documents submitted by you as well as by the State and local agencies. The North Carolina Division of Workforce Development conducted a review of the actions taken by the Beaufort County JobLink Career Center and Region Q Workforce Development Board and issued their determination to you in a letter dated February 22, 2010. The scope of the DOL review is limited to the investigation and imposition of remedies for a violation by the State of the requirements of WIA Title I. (In other words, we try to determine whether or not the State has violated WIA law and regulations.)

In its review, the State determined that the Mid-East Commission, which operates the Beaufort County JobLink Career Center, and the Region Q Workforce Development Board, followed proper procedures in your case. After a review of the information submitted by all parties involved in your appeal, we find that the State and local area followed North Carolina's established grievance procedures and the requirements of WIA statute and regulations by providing you with an opportunity for an informal resolution, a local hearing, and state review within established time frames. Further, we can find no violation of WIA to cause us to reverse the State's determination.

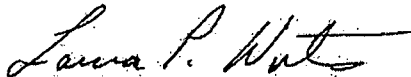
WIA is not an entitlement program at any stage of service provision, meaning there is no guarantee under law of a certain level of benefits to all people who meet specific requirements. Training service eligibility and the amount of any WIA assistance are determined through individual assessments. The law and regulations allow states, regions, and local areas much discretion in the

EX. E

determination of local policies regarding workforce training service delivery. As indicated above, there is no evidence to suggest that you were treated in a manner that violates WIA, and your grievance was given proper review. Therefore, DOL is dismissing your appeal.

This letter constitutes the Department of Labor's final determination action on your appeal.

Sincerely,



Laura P. Watson  
Director  
Office of Grants and Contract Management

cc: Roger Shackleford, Executive Director, North Carolina Division of  
Workforce Development  
Walter Dorsey, Director, Region Q Workforce Development Board  
Jennie Bowen, Direct Services Director, Beaufort County JobLink Career  
Center  
Dr. Helen Parker, Regional Administrator, Atlanta Regional Office, ATTN:  
Cecelia Ford

EX. F



North Carolina  
Department of Commerce  
*Division of Workforce Development*

Beverly Eaves Perdue, Governor  
J. Keith Crisco, Secretary

Roger Shackelford, Executive Director

January 27, 2011

Mr. James Armistead  
720 N. Charlotte Street  
Washington, NC 27889

Dear Mr. Armistead:

Your complaint indicating you were dismissed from a program without a hearing on the local level, and you believe the decision to dismiss you was made by Walter Dorsey and Tim Ware, was forwarded to our office from the Region Q Workforce Development Board.

The referral was made to this office because of the possible conflict of interest in the decisionmaking from the Region Q Workforce Development Board and the Mid-East Commission.

From researching the records in our office and contacting the Mid-East Commission and the Region Q Workforce Development Board, it was found that an appeals hearing was offered you on December 8, 2009, referencing your complaint filed on November 15, 2009, alledging you did not receive all of the assistance you deserve. It was also found that you were issued a letter on January 6, 2010, informing you that you will no longer receive any assistance through the workforce Investment Act (WIA) program in Beaufort County because of actions that occurred during the month of December, 2009. This decision was made because of your "escalating hostility toward the staff at the Beaufort County JobLink Center", and the return of required tools, supplies, and books needed for the course you were enrolled paid with WIA funds for cash.

From an appeal you filed on April 21, 2010, with the U. S. Department of Labor, Employment and Training Administration, a response was sent to you on August 16, 2010, dismissing your appeal in it's final determination action.

The documentation reviewed and the confirmation from the U. S. Department of Labor, Employment and Training Administration, that WIA laws and regulations were not violated, this

EX. F

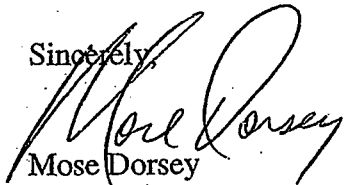
office has determined a hearing was held at the local level and your dismissal from the WIA program was made in a nondiscriminatory manner.

If you are not in agreement with this determination, you have the right to appeal this finding to the following office:

Civil Rights Center  
U. S. Department of Labor  
Room N4123  
200 Constitution Avenue, NW  
Washington, DC 20210

Your request must be in writing to the Civil Rights Center and submitted within 120 days from the date of receipt of this notification. It must contain all of your contact information, name and address of all persons involved, a clear and concise statement of the acts/events along with dates of decisions made, the regulations/acts you believe have been violated, and any other information you have with any remedy you feel you deserve.

Sincerely,



Mose Dorsey  
Administrative Officer III

Cc: Walter Dorsey, Director, Region Q Workforce Development Board  
Roger Shackleford, Executive Director, Division of Workforce Development  
Tim Ware, Mid-East Commission

FILED: July 23, 2019

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 19-6629  
(5:18-ct-03274-BO)

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JAMES GREGORY ARMISTEAD

Plaintiff - Appellant

v.

LAURA P. WATSON; JENNIE BOWEN; TIMOTHY WARE; ROGER  
SHACKLEFORD; MOSE DORSEY; SETH EDWARDS

Defendants - Appellees

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ORDER

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The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Niemeyer, Judge Harris, and Senior Judge Traxler.

For the Court

/s/ Patricia S. Connor, Clerk