UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-2347

GREGORY SCOTT SUMNER,

Plaintiff - Appellant,

v.

DR. BRETT CARTER, Associate Vice Chancellor & Dean of Students; BRADLEY WRENN, Coordinator Military-Affiliated Services; REBECCA M. GOINS, Detective Criminal Investigations Unit UNCG; BRUCE POMEROY, Office of Accessibility Resources and Services,

Defendants - Appellees,

and

UNCG,

Defendant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Catherine C. Eagles, District Judge. (1:19-cv-00203-CCE-JEP)

Submitted: February 18, 2020 Decided: February 20, 2020

Before MOTZ, HARRIS, and QUATTLEBAUM, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Gregory Scott Sumner, Appellant Pro Se. Vanessa N. Totten, Assistant Attorney General, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gregory Scott Sumner seeks to appeal the district court's order dismissing his civil complaint without prejudice for lack of personal jurisdiction. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

In civil cases, parties have 30 days after the entry of the district court's final judgment or order to note an appeal, Fed. R. App. P. 4(a)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). "[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement." *Bowles v. Russell*, 551 U.S. 205, 214 (2007).

The district court entered its order on October 7, 2019. Sumner filed the notice of appeal on November 18, 2019.* Because Sumner failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny leave to proceed in forma pauperis and dismiss the appeal.

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.

DISMISSED

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* *See* Fed. R. App. P. 4(d) (providing notice of appeal mistakenly filed in court of appeals is considered filed in district court on date so noted).

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DISMISSED

---

* *See* Fed. R. App. P. 4(d) (providing notice of appeal mistakenly filed in court of appeals is considered filed in district court on date so noted).

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

GREGORY S. SUMNER, Plaintiff, v. THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO, et al., Defendants.	)))))))))))	1:19-CV-203

ORDER

On February 21, 2019, the plaintiff filed a complaint listing "UNC-G" as the only defendant in the caption and elsewhere in the complaint listing as defendants four individuals who appear to be employees of the University of North Carolina at Greensboro. *See* Doc. 2 at 1–3. The individual defendants move to dismiss for lack of personal service. Because no defendant has been served in a manner sufficient to give the court jurisdiction over any defendant, the motion will be granted. To the extent the plaintiff intended to sue UNC-G, the case is dismissed for failure to timely obtain service.

On February 21, 2019, the plaintiff filed his complaint, Doc. 2, and asked to proceed *in forma pauperis*. Doc. 1. While that motion was pending, the plaintiff paid the filing fee, *see* Docket Entry 06/26/19, and the next day the Clerk issued summonses to the individual defendants. *See* Doc. 8. No summons has been requested for UNC-G.

Each individual defendant has filed a declaration attesting that none was personally served with a copy of the summons and complaint; that in July 2019, an

envelope containing a summons was delivered via certified mail to the UNC-G mailroom, where it was signed for by mailroom staff who were not authorized to accept service on their behalves; that the envelope was addressed to each at UNC-G and was labelled as from "G Sumner" with the same Trinity, North Carolina, address the plaintiff has provided the Court; and that no copy of the complaint was included in the envelope. *See* Doc. 11-2 at ¶¶ 3–4; Doc. 11-3 at ¶¶ 3–4; Doc. 11-4 at ¶¶ 3–4; Doc. 11-5 at ¶¶ 3–4; *see also* Doc. 2 at 6; Doc. 11-6.

At the time the motion to dismiss was filed, the plaintiff had not filed any proof of service as to any defendant or as to UNC-G. In response to the motion, the plaintiff filed a "proof of service" that he signed, which asserted that service was obtained by "Certified Mail x4." Doc. 14 at 2–3.

"Service of summons is the procedure by which a court having venue and jurisdiction of the subject matter of the suit asserts jurisdiction over the person of the party served." *Omni Capital Int'l v. Rudolf Wolff & Co., Ltd.*, 484 U.S. 97, 104 (1987).[1] "Absent effective service of process, a court is without jurisdiction to render a personal judgment against a defendant." *Fed. Deposit Ins. Corp. v. Schaffer*, 731 F.2d 1134, 1135–36 (4th Cir. 1984); *see also Koehler v. Dodwell*, 152 F.3d 304, 306 (4th Cir. 1998) ("Absent waiver or consent, a failure to obtain proper service on the defendant deprives the court of personal jurisdiction over the defendant.").

[1] The Court omits internal citations, alterations, and quotation marks throughout this opinion, unless otherwise noted. *See United States v. Marshall*, 872 F.3d 213, 217 n.6 (4th Cir. 2017).

The burden is on the plaintiff to make a prima facie showing of personal jurisdiction when challenged, *Consulting Eng'rs Corp. v. Geometric Ltd.*, 561 F.3d 273, 276 (4th Cir. 2009), and this includes "establishing that service of process has been accomplished in a manner that complies with Rule 4." *Adkins v. Jackson*, No. 5:15-cv-102-FDW, 2018 WL 1279338, at *2 (W.D.N.C. Mar. 12, 2018) (citing *Plant Genetic Sys., N.V. v. Ciba Seeds*, 933 F. Supp. 519, 526 (M.D.N.C. 1996)). The rules of service of process "apply equally to litigants proceeding with or without counsel." *Shaver v. Cooleemee Volunteer Fire Dep't*, No. 1:07cv00175, 2008 WL 942560, at *2 (M.D.N.C. Apr. 7, 2008); *see also McNeil v. United States*, 508 U.S. 106, 113 (1993) ("[W]e have never suggested that procedural rules in ordinary civil litigation should be interpreted so as to excuse mistakes by those who proceed without counsel."); *McDaniel v. Greyhound Lines, Inc.*, No. 3:08-cv-130-FDW, 2008 WL 2704774, at *4 (W.D.N.C. July 7, 2008) ("Although Plaintiff is proceeding pro se and in forma pauperis, she is held to the same standards regarding service of process . . . .").

Here, the plaintiff has not shown proper service. While plaintiffs may serve process on individuals in several ways, the method apparently used by the plaintiff here—delivery by mail to the defendant's place of work, to someone other than the defendant or the defendant's agent for receiving process—is not one of them. *See* Fed. R. Civ. P. 4(e) (listing the methods for serving an individual, which include service under the methods provided by state law in the forum state); N.C. Gen. Stat. § 1A-1, Rule 4(j)(1)(a)–(e) (outlining the individual service methods in North Carolina). "Neither federal nor state law authorize serving an individual by leaving a copy of the summons

and complaint at the individual's place of employment." *Davis v. Close*, No. 1:13-CV-779, 2014 U.S. Dist. LEXIS 185400, at *3 (M.D.N.C. Mar. 17, 2014).

Moreover, it is well established that a party to the litigation cannot effect service. *Thomas v. Nelms*, No. 1:09–CV–491, 2013 WL 593419, at *1 (M.D.N.C. Feb. 14, 2013) (citing Fed. R. Civ. P. 4(c)(2)). Here, the plaintiff himself placed the summons in the mail to each defendant at work. *See* Doc. 14 at 2. Finally, the rules require that the complaint also be served; it is insufficient to simply mail a copy of the summons. *See* Fed. R. Civ. P. 4(e).

Federal Rule of Civil Procedure 4(m) requires that if a defendant is not served within 90 days, the Court, on motion of the defendant, "must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m). Ninety days have not elapsed here.[2]

The Court has considered whether to allow more time for service. While dismissal is proper when service is insufficient, *see, e.g.*, *Maybin v. Northside Corr. Ctr.*, 891 F.2d 72, 73 (4th Cir. 1989), "dismissal is not always mandated where the necessary parties have received actual notice of a suit and where they have not been prejudiced by the technical defect in service." *McCreary v. Vaughan-Bassett Furniture Co., Inc.*, 412 F. Supp. 2d 535, 537 (M.D.N.C. 2005) (Mag. J., recommendation) (citing *Karlsson v.*

[2] The 90-day time period began running on June 27, 2019, when the filing fee was paid. The time period for service is tolled when the plaintiff has made an application for *in forma pauperis* to ensure that "the period of time before the district court authorized service by the Marshals Service does not count against [the plaintiff] for purposes of determining the limitation period." *Robinson v. Clipse*, 602 F.3d 605, 608 (4th Cir. 2010).

Rabinowitz, 318 F.2d 666, 668–69 (4th Cir. 1963)). Courts have discretion to dismiss the action or to quash service and allow the plaintiff more time to serve process. *Thomas*, 2013 WL 593419 at *1; *see also McCreary*, 412 F. Supp. 2d at 537–39.

Here, the Court declines to give the plaintiff more time to obtain service. The plaintiff has made no tangible effort to comply with the applicable rules. He failed to file proof of service until the defendants filed a motion to dismiss. He attempted service himself, which is not allowed, and he made no attempt to effect personal service on the four individuals or service at the individual's "usual place of abode." *See* Fed. R. Civ. P. 4(e)(2). The plaintiff has not asked for more time to obtain proper service and barely addressed the substance of the defendants' arguments in support of the motion to dismiss. Indeed, his sole argument against the motion to dismiss is that "[a]s employee you authorize the UNCG mail staff to pick up mail addressed to UNCG on your behalf. Certified Mail is legal Service." Doc. 14 at 1. But he cites no legal authority for these assertions, which are incorrect. He has filed other paper writings not authorized by the Federal Rules of Civil Procedure or the Local Rules and which are not directed at the legal or factual issues presented by the motion to dismiss. *See* Docs. 18, 19.

When plainly insufficient service of process is brought to the Court's attention, "the rules . . . may not be ignored." *Armco, Inc. v. Penrod-Stauffer Bldg. Sys., Inc.*, 733 F.2d 1087, 1089 (4th Cir. 1984). Here, the plaintiff has not made a good faith effort to comply with the federal rules. Moreover, the complaint, Doc. 2, and an addendum, Doc. 6, are conclusory and the facts do not plausibly state claims for relief. When it is clear that the complaint is subject to dismissal on other grounds so that it would be futile to

allow a plaintiff more time to properly serve a defendant, the Court may dismiss the case as to this defendant for lack of personal jurisdiction. *See Walston v. Cintron*, No. 1:18-CV-517, 2018 WL 6624198, at *2 (M.D.N.C. Dec. 18, 2018); *Davis*, 2014 U.S. Dist. LEXIS 185400 at *4.

Because the dismissal is based on lack of personal jurisdiction, the dismissal will be without prejudice. The plaintiff's motion to transfer the case to Winston-Salem is denied, both because this district does not have divisions and because the motion is moot.

The plaintiff did list UNC-G as a defendant in the caption of the complaint, but he did not list UNC-G as a defendant within the complaint, he did not obtain a summons directed to UNC-G, and he has filed no affidavit of service as to UNC-G, as required by Fed. R. Civ. P. 4(l)(1). The time has passed for service under Rule 4(m). It appears the plaintiff did not intend to assert claims against UNC-G under these facts, and even if he did, timely service has not been obtained, so the case will be dismissed in its entirety.

It is **ORDERED** that:

1. The motion to dismiss filed by the defendants Carter, Goins, Pomeroy and Wrenn, Doc. 11, is **GRANTED**.
2. The plaintiff's motion for change of venue, Doc. 15, is **DENIED**.
3. Upon entry of judgment, the Clerk shall close the file and terminate the case.

This the 7th day of October, 2019.

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

GREGORY S. SUMNER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:19-CV-203
	)	
THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO, et al.,	)	
	)	
Defendants.	)	

JUDGMENT

For the reasons set forth in the Order filed contemporaneously with this Judgm

It is hereby **ORDERED AND ADJUDGED** that the motion to dismiss, Doc. is **GRANTED** and this case is **DISMISSED** without prejudice.

This the 7th day of October, 2019.

UNITED STATES DISTRICT JUDGE

THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CASE # 19CV203

Gregory Scott Sumner

(Plaintiff)

-V-

UNCG

(Defendant)

Motion- "en Banc" Fourth Circuit Federal Court of Appeals

Title 28, U.S. Code, Section 351(a). The judge in the case has been prejudicial to the effective and expeditious administration of the business of the court. In that this judge did deny due process and equal protection! By blocking Federal Marshalls from delivering summons. As stated in filings of August 06, 2019 and August 09, 2019 summons service by Federal Marshalls was blocked by judge assigned to case. There is an obvious conflict of interest and lack of impartiality! This judge has interfered with due process and my right to a speedy trial. Judge blocked Change of Venue and has obstructed access to court. Two email complaints filed via USCourt.gov in the past two weeks.

Case was filed on Feb. 21 with Forma Pauperis due to low income. For four months the judge held up my case. I called the clerk of court to check the status of the case and was laughed at! Told that the case was dead because I had a fee waiver! On June 25th I paid the court cost of $400 and attempted to pay the summons fee. Which the clerk of court rejected! On June 26th I called Ms. Williams manager of Federal Marshalls office 2nd floor, phone 336-332-8709 @ 8:44am. She called clerk of court and was told that Summons service was blocked by Judge Eagle. You can check the call log in Ms. Williams office because she called me back and told me that they were blocked from delivering my summons by judges order! That also blocked my Due Process and Equal Protection.

Tennessee V. Lane [illegible]

[illegible]
Section 5 of the Fourteenth Amendment provides that Congress can remedy violations by appropriate legislation, the provisions of which amendment—including, of course, the Amendment's Equal Protection and Due Process Clauses

That is the Supreme Court, US Congress, and the 14th amendment stating that, I will not be denied access to court!

Gregory Scott Sumner

Gregory S. Sumner

[illegible] 19

Baccalaureate Degrees

Bryan School of Business and Economics

Bachelor of Science

[1] William Zach Russ
Stephanie Frances Ryan
[1] Matthew Eric Sage
Lucas Sandino
[1] Katie Sands
Elijah Wayne Seha
[1] Megha Shah
[1] Jennifer Bess Shapiro
Brea Ann Sharron
Leslie Megan Shoaf
Ryan D. Shockey
Zachary P. Shuford
Evan A. Sieler
[1] Tyri Kales Simien
Christopher L. Sims
Anunt Singh
[1] Olivia Linden Slay
[1] Brandy M. Slicker
[1] George Lewis Smith Jr.
Jordan Bodenheimer Smith
[1] Shanika Shante Smith-White
Kaitlyn Mary Snyder
Jun Bea Son
[1] Elizabeth Anne Speer
Alisa Nicole Spencer
Iyana Vhane Spencer
[1] Charles Lennon Staley Jr.
Michael Alan Stanley
Brooke Elizabeth Stevenson
Cameron Duncan Stewart
[1] Daisie Elizabeth Stewart
Jonathan Samuel Suh
Joelle M. Summa
[redacted]
Victoria Lynn Tamborino
Michael Lance Tate
[1] Amanda Lois Thatcher
Nahyr Ahmad Thomas
Anna Pressley Thompson
Michael Craig Thornburg Jr.
Maurice Jamil Threatt
Ryan Till
Alejandra Toledo-Vazquez
Mitchell Triplett
Princess Michelle Trogdon
Gareth Michael Tuck
John Edward Uber
David Walter Valentine
Tyler Jonathan Varney
Binh Thanh Vo
[1] Brandon Michael Wall
Kristi Marie Wallace
Tsubasa Anthony Wallace
Alexander Taylor Walton
[1] Sishi Wang
Angela Patrice Warren
Tori Ashley Warren
Joshua A. Watson
Makenzie Leigh Whichard
Stephen Cory Wiley
Erin McLean Willoughby
William James Wright
[1] Lang Y
Qingxuan Yang
Shen-Li K. Yap
[1] Angel Yom Ybarra
[1] Yashi Ye
Ji Hoon Yi
Barry Owen Yoder
Esslam Talal Zahrani
Ruojun Zhao
Guobin Zhou

School of Education

Bachelor of Science

Sarah Elizabeth Bear
Michelle Blossom Berrisford
Maddie Elizabeth Driggers
Kara Alexandra Evert
Bethany Anne Hillyard
Nawal Nadeem Javaid
Phoebe Fleming Kaplan
Vanessa Berjouhi Keshguerian
Megan L. Laughinghouse
Caitlin Lorae Payne
[1] Chelsea Nichole Pegram
*Vivian Brown Saunders
Alexandria Jae Schmid
Angela Haley Shaw
Shana Janai' Shuemate
Rachyl J. Stump
Sonya West
Taylar Nicole Whittlesey

* Degree awarded posthumously.

1. Degree awarded August 2016.

2. Scheduled to be awarded two baccalaureate degrees this term.

Ba
Scho

Bryson M. Adams
Akua Asabea Adu-
Sara O. Alagha
[1] Batool Camille Al
Tanisha N. Alexand
Yasser Hassan Algh
Maha Abdullah Alo
Kia Aponte
Yasra Arshad
Amber Nicole Atkin
Christina Anne Baile
Cyesha Monee Bairc
Valerie Christine Be
[1] Leah Dorothy Bian
Allen Foster Black
Sarah Elizabeth Bla
Harold Lee Blackn
Courtney Justice Bla
Michael Patrick Boll
Tiana K. Bowden
Natalie Ann Boyd
Devon M. Daquell B
Caitlyn Mackenzie
Jenna Carolyn Britt
Montrell Lee Brooks
Courtney Brionna E
Kirstin Brooke Brow
Linda Hampton Bro
Shanika Nicole Brow
Kearra Samone Brow
Whitney Sarina Brya
Cantrell Evelyn Bucc
Kristen Leigh Buen
Hsin Bulu
Katherine Ashley Bu
Aba Aweis Buri
Maci Olivia Burns
Kayleigh Michelle C
Roberta Unice Carri
Megan Marie Carroll
Adreanna Korryn Ca
Kelsey Marie Cather
Madeline Louise Ca
Tanda S. Champagne-
Chastity Denise Chee
Sean Matthew Cochr
Frederic Elizalde Co
Keshura Nikea Colev
Jeffery Aaron Cook
Samantha Joe Cook
Ashley Diane Cooper

[1] Degree awarded posth

[1] Degree awarded Aug

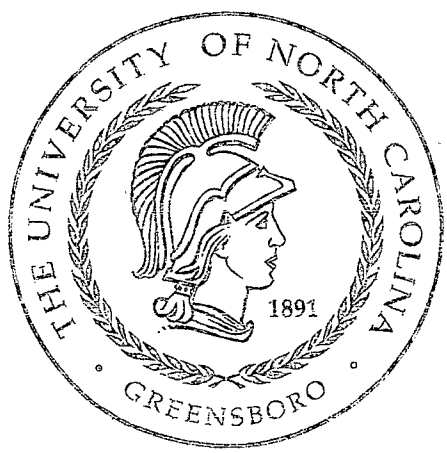
December Commencement

Greensboro Coliseum
Greensboro, North Carolina

Ten O'Clock

Thursday Morning, December 15

Two Thousand Sixteen



The University of North Carolina
at Greensboro

Activity in Case 1:19-cv-00203-CCE-JEP SUMNER v. UNCG et al Judgment

Inbox

ECF@ncmd.uscourts.gov Oct 7, 2019, 1:34 PM

to ecf

[illegible]

*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.**

U.S. District Court

North Carolina Middle District

Notice of Electronic Filing

The following transaction was entered on 10/7/2019 at 1:34 PM EST and filed on 10/7/2019

Case Name: SUMNER v. UNCG et al
Case Number: [illegible]
Filer:
Document Number: [illegible]

Docket Text:
JUDGMENT signed by JUDGE CATHERINE C. EAGLES on 10/07/2019, that the motion to dismiss [11] is GRANTED and this case is DISMISSED without prejudice. (Coyne, Michelle)

1:19-cv-00203-CCE-JEP Notice has been electronically mailed to:

GREGORY SCOTT SUMNER   [illegible]

VANESSA NOEL TOTTEN   [illegible]

1:19-cv-00203-CCE-JEP Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename:n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1091045209 [Date=10/7/2019] [FileNumber=3062165-0
] [5a818f79c88d9eebd88c9ebd84c85a0976b21d7626bcf6414147ce52aae7939c2cd
b2ba263c0cd209c73d3b5c21786aafd87d3d37cbc6f8e651aad74757e0465]]

Activity in Case 1:19-cv-00203-CCE-JEP SUMNER v. UNCG et al Order on Motion to Dismiss/Lack of Jurisdiction

Inbox

ECF@ncmd.uscourts.gov Mon, Oct 7, 2019, 1:32 PM

to me

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U.S. District Court

North Carolina Middle District

Notice of Electronic Filing

The following transaction was entered on 10/7/2019 at 1:31 PM EST and filed on 10/7/2019

Case Name: SUMNER v. UNCG et al
Case Number: [illegible]
Filer:
Document Number: [illegible]

Docket Text:
ORDER signed by Judge Catherine C. Eagles on 10/07/2019, that the motion to dismiss filed by the defendants Carter, Gains, Pomeroy and Vitrum, [17] is GRANTED. The Plaintiff's motion for change of venue [19] is DENIED. Upon entry of judgment, the Clerk shall close the file and terminate the case. (Coyne, Michelle)

1:19-cv-00203-CCE-JEP Notice has been electronically mailed to:

GREGORY SCOTT SUMNER   [illegible]

VANESSA NOEL TOTTEN   [illegible]

1:19-cv-00203-CCE-JEP Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename:n/a
Electronic document Stamp:
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] [177a27368d67d9f613b1c4e37356a21f39d321a8bfa8638ce30502d64f5be9dccf7
0f7bd4f04d955d4f8ebcf82407307ebd2effa55077daaacf1ee4f3cd4e531]]

Activity in Case 1:19-cv-00203-CCE-JEP SUMNER v. UNCG et al Notice (Other)

Inbox

ECF@ncmd.uscourts.gov Mon, Oct 7, 2019, 10:14 AM

to ecf

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U.S. District Court

North Carolina Middle District

Notice of Electronic Filing

The following transaction was entered on 10/7/2019 at 10:13 AM EST and filed on 10/7/2019

Case Name: SUMNER v. UNCG et al
Case Number:
Filer: GREGORY SCOTT SUMNER
Document Number:

Docket Text:

[illegible] regarding Service of Summons by GREGORY SCOTT SUMNER. ([illegible])

1:19-cv-00203-CCE-JEP Notice has been electronically mailed to:

GREGORY SCOTT SUMNER

VANESSA NOEL TOTTEN

1:19-cv-00203-CCE-JEP Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename:n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1091045209 [Date=10/7/2019] [FileNumber=3061835-0
] [0fab4143188e6e21286873982b7ee411b16cf24bdcba9a94ba7ee36db987df913bb
9ebebbdd83f4f6c5448fc66070eea24275b86d31d03105766f54f7a2b42f1]]

Case#19CV203

Gregory Scott Sumner

(Plaintiff)

-V-

UNCG

(Defendant)

Now comes the Plaintiff and Answers with a Response:

Motion to proceed to Set Trial. By August 30th, 2019

1.) **Tennessee V. Lane** [illegible] prohibit any public entity from discriminating against qualified persons with disabilities in the provision or operation of public services, programs, or activities. The Americans with Disabilities Act of 1990, [illegible], defines the term "public entity" to include state and local governments, as well as their agencies and instrumentalities. [illegible]. Persons with disabilities are qualified if they, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meet the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity. [illegible]. The enforcement provision incorporates by reference § 505 of the Rehabilitation Act of 1973, specifically [illegible], which authorizes private citizens to bring suits for money damages.
Paraplegics sued petitioner State of Tennessee alleging that the State failed to provide reasonable access to court facilities in violation of Title II of the Americans with Disabilities Act of 1990 (ADA). The United States Court of Appeals for the Sixth Circuit denied the State's claim of sovereign immunity. On certiorari, the state contended that the abrogation of state sovereign immunity in Title II of the ADA exceeded congressional authority under [illegible], to enforce substantive constitutional guarantees.

2.) On March 1st, 2018 when UNCG campus police did trespass on my private property in Randolph County without a warrant! They created a BIVENS case as set forth in section II.)A. Page 3 of the lawsuit. Bivens v. Six Unknown Agents of Federal Bureau of Narcotics, 403 U.S.388 (1971); this action provides me with jurisdiction to sue for violation of constitutional rights!

3.) UNCG is responsible for Damages created by its policies and its staff; Co-conspirators listed in lawsuit. The staff mail clerk and each co-conspirator were each operating in the capacity of representative of UNCG staff. The University has been duly served and notified of court proceedings. As employee you authorize the UNCG mail staff to pick up mail addressed to UNCG on your behalf. Certified Mail is legal Service.

Furthermore, Summons service by Federal Marshalls was blocked by Judge Eagle. Per Ms. Williams manager of Federal Marshalls office 2nd floor, phone 336-332-3708. She called clerk of court and was told that the judge blocked service for this case! On June 28th, 2019 @ 9:44am.

Motion Request Change of Venue to: Winston-Salem, US District Court, 251 N. Main Street Winston-Salem, NC 27101

Gregory Scott Sumner

Gregory S. Sumner 8/6/19

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Dr. Brett Carter, Bruce Pomeroy, Bradley Wrenn, Rebecca McGoins

was received ~~by me~~ on *(date)* July 3, 2019.

☐ I personally served the summons on the individual at *(place)* _____

_____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____

_____, a person of suitable age and discretion who resides there,

on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is

designated by law to accept service of process on behalf of *(name of organization)* _____

_____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☑ Other *(specify)*: Certified Mail X 4
7/1/19

My fees are $ 0 for travel and $ 27.46 for services, for a total of $ 0.00.

I declare under penalty of perjury that this information is true.

Date: 8/1/19

Gregory S. Sumner
Server's signature

GREGORY SCOTT SUMNER
Printed name and title

3164 Sumner Rd. Trinity NC. 27370
Server's address

Additional information regarding attempted service, etc:

Service By Federal Marshalls OFFICE WAS BLOCKED BY Judges ORDER.

COMPLETE THIS SECTION

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we can return the card to you.
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Spring Garden St.
sboro, NC 27412

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Brett Carter
Elliott University Center
nsboro, NC 27412

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W. Gate
nsboro, N

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TRINITY
7259 NC HIGHWAY 62
TRINITY, NC
27370-8675
3970560370

07/03/2019 (800)275-8777 4:01 PM

Product Description	Sale Qty	Final Price
First-Class Mail® Letter	1	$0.55
(Domestic)		
(GREENSBORO, NC 27412)		
(Weight:0 Lb 0.50 Oz)		
(Estimated Delivery Date)		
(Wednesday 07/03/2019)		
Certified	1	$3.50
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(70181830000198723376)		
Return Receipt	1	$2.80
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First-Class Mail® Letter	1	$0.55
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Certified	1	$3.50
(@@USPS Certified Mail #)		
(70181830000198723345)		
Return Receipt	1	$2.80
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Total $27.40

Cash $27.40

Text your tracking number to 28777
(USPS) to get the latest status

UNITED STATES DISTRICT COURT

for the

District of

Division

Case No. 19CV203
(to be filled in by the Clerk's Office)

GREGORY SCOTT SUMNER

Plaintiff(s)
(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: *(check one)* ☑ Yes ☐ No

-v-

UNCG

Defendant(s)
(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Non–Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name: GREGORY SCOTT SUMNER
Address: 3164 SUMNER Rd
TRINITY (City) NC (State) 27370 (Zip Code)
County: Randolph
Telephone Number: 336 899-3478
E-Mail Address: gsum612@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name: Dr. Brett Carter
Job or Title (if known): Associate Vice Chancellor & Dean of Students
Address: 210 EUC (PO Box 26170) 27412
GREENSBORO (City) NC (State) 27402 (Zip Code)
County: Guilford
Telephone Number: 336-334-5514
E-Mail Address (if known): bacarte2@uncg.edu
☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name: Bradley Wrenn
Job or Title (if known): Coordinator Military-Affiliated Services
Address: 1540 Spring Garden Street
Greensboro (City) NC (State) 27412 (Zip Code)
County: Guilford
Telephone Number: 336-334-5632
E-Mail Address (if known): btwrenn@uncg.edu
☐ Individual capacity ☒ Official capacity

Defendant No. 3

Name: Rebecca M. Goins #1

Job or Title (if known): Detective Criminal Investigations Unit UNCG

Address: UNCG Police Department

Greensboro (City) NC (State) (Zip Code)

County: Guilford

Telephone Number: 336-256-0025

E-Mail Address (if known): rmscott2@uncg.edu

☐ Individual capacity ☒ Official capacity

Defendant No. 4

Name: Bruce Pomeroy

Job or Title (if known): OFFICE of Accessibility Resources and Services

Address: 215 Elliott University Center

GREENSBORO (City) NC (State) ~~27370~~ (Zip Code)

County: Guilford

Telephone Number: 336-334-5440

E-Mail Address (if known): be pomero@uncg.edu

☐ Individual capacity ☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971)*, you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

False Claims against me by UNCG staff → WRENN – Liable/Slander w/absolved UNCG Police outside of Jurisdiction trespass w/o a warrant on my private property IN Randolph County. Threat, Intimidate and Harrass. Followed by Emails. Was Removed From Property By Randolph County Sherriff.

[illegible] Attached!

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

4th – warrantless trespass, outside jurisdiction, no due process!
5th – demand of written appeal to UNCG police violates self incrimination & 14th – equal protection clause!

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Please Refer to attached emails ~~soon~~

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

at my Home in Trinity N.C. Randolph County

B. What date and approximate time did the events giving rise to your claim(s) occur?

March 1, 2018 at or around 12 pm NOON

C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

Please Refer to Email titled Due Process 5th & 14th For explaination. There is UNCG Police Email chain included there also sent to the chief!

UNCG HAS MADE A MOCKERY OUT OF THE ADA (AMERICANS WITH DISABILITIES ACT)! THIS ~~ENTER~~ EVENT IS RETAILATION OF A WHISLEBLOWER, BECAUSE I FILED Charges WITH The ~~to~~ DOJ & DOE IN 2017 aFtER UNCG CANCELED MY GRADUATION IN FEB. UNCG HAS REPEATEDLY REFUSED TO PROVIDE ADA ACCOMMODATIONS, DATING BACK TO 2015. IN THE SPRING OF 2016, PROF. MARIE HULL REFUSED TO PROVIDE EXTENDED time FoRonLine test (Suggested by VA Doctors) and Demanded me be Removed FROM her class to Advisor Nadia Clark-Brown. PROF. Hulls actions allowed UNCG to steal Federal Financial Aid while denying Access to Accommodations and Services! ECO 250

~~IV. Injuries~~

~~If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.~~

I returned in 2018 to attempt to take the class. was forced into an online class and denied accommodations! In three days was sent into a bunch of appeals and harrassment only to be obstructed! I attended one class meeting I believe was January 9th? dropped class Jan 10th and found out it was an online class ⇒ Filed with DOJ/DOE on Jan 29th. Feb 27th & Feb 28th recieved calls From Bradley Wrenn Someone I had never Spoke to before at UNCG pushing this class. Shortly AFter Wrenns call, I recieved a call I did not answer that was UNCG Police! The Following Morning UNCG Police Woke Me UP! Trespassing on My Property w/o Warrant denied access to JobFairs, Employers, Careers by Police threat!

V. **Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Request Injunctive Relief - in that UNCG do Not demand Further ECO 250 classes UNCG either accept the Grade From RCC or "Waive" the Requirement

Specific PerFormance - I Graduated UNCG December 15, 2016 → provide Degree;

DAMAGES $1,000,000 ($33,000+ collegedebt)

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case–related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 2/18/19

Signature of Plaintiff: Gregory S. Sumner

Printed Name of Plaintiff: GREGORY SCOTT SUMNER

B. For Attorneys

Date of signing: _____

Signature of Attorney: _____

Printed Name of Attorney: _____

Bar Number: _____

Name of Law Firm: _____

DEPARTMENT OF VETERANS AFFAIRS
810 Vermont Ave NW
Washington, D.C. 20420

July 13, 2020

Gregory Sumner
3164 Sumner Rd
Trinity, NC 27370

In Reply Refer to:
xxx-xx-0645
27/eBenefits

Dear Mr. Sumner:

This letter certifies that Gregory Sumner was discharged from the U.S Armed Forces having served during the following period(s):

Branch of Service	Entered Active Duty	Discharged	Character of Service
Navy	July 5, 1989	September 18, 1992	Under Honorable Conditions

(You may have additional periods of service not listed above.)

How You Can Contact Us

- If you need general information about benefits and eligibility, please visit us at https://www.ebenefits.va.gov or http://www.va.gov.
- Call us at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the number is 1-800-829-4833.
- Ask a question on the Internet at https://iris.custhelp.va.gov.

Sincerely,

Cheryl J Rawls
Assistant Deputy Under Secretary for Field Operations
Office of Outreach and Stakeholder Engagement

DEPARTMENT OF VETERANS AFFAIRS
Kernersville Health Care Clinic
1695 Kernersville Medical Parkway
Kernersville, NC 27285

February 16, 2018

To Whom It May Concern:

Mr. Gregory Sumner is my neurology patient at the above healthcare facility, being treated for persistent migraine headaches. These are also associated with dizziness, sensitivity to light and noise, impaired thinking and concentration, and sometimes lightheadedness. They can impair his ability to take tests in complete requirements in a timely manner. Special accommodations should be made, such as additional time for test taking, etc., when a migraine is present.

Migraine has become for Mr. Sumner a chronic condition, and also can reduce his ability to focus and pay attention. For this and other reasons, it is critical that he have only face-to-face classes. In this situation, digital classes are online classes will not be acceptable.

These migraines will require extensive medications, some for prevention, and others for rescue for migraine headache and associated symptoms. Many of these headaches, if not all, can be associated with adverse events, such as dizziness, nausea, decreased attention span, somnolence, and others. These factors can affect his ability to complete academic studies, and would also have to be accommodated.

Please be is prompt and thorough as you can in helping him to resume his studies. We can give additional information if you needed, with his permission of course.

David A. Cohen, M.D.
Attending Neurologist

DEPARTMENT OF VETERANS AFFAIRS
Kernersville HCC
1695 Kernersville Medical Parkway
Kernersville, NC 27284

October 22, 2018

To Whom it May Concern,

Gregory Sumner is currently under my care, as well as the care of a neurologist for his history of migraines and vertigo. These episodes may be associated with dizziness, sensitivity to light and sound, impaired thinking and concentration, and sometimes lightheadedness. His migraines, as well as the medications used to treat his condition may impair his ability to take tests and complete requirements in a timely manner. He should be provided reasonable accommodations when he has a flare of such condition including additional test time, providing a quiet environment for test taking or rescheduling a test until condition improves, within reason. Please also see neurologist letter from February 2018 as this details his condition and recommendations as well.

Cody Matthews, DO

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

August 22, 2018

Gregory Sumner
3164 Sumner Road
Trinity, North Carolina 27370

Re: OCR Complaint No. 11-18-2194
Partial Dismissal/Notification Letter

Dear Mr. Sumner:

On April 10, 2018, the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) received your complaint against the University of North Carolina at Greensboro (the University). You allege that the University discriminated and retaliated against you on the basis of race (White), disability (neurological issues and hearing loss), and age (46-years-old). In your written complaint and during subsequent email communications with OCR, you allege that:

1. The University discriminated against you based on your race, disability, and/or age when:
   a. The University refused to accept credit transfer for course(s) completed at Randolph Community College in or before December 2016, and as a result did not allow you to graduate in February 2017;
   b. The University requested additional medical information from you after you submitted a voluntary disclosure with the University's Office of Accessibility on or around January 10, 2018;
   c. On or around January 13, 2018, the University refused to provide you with disability-related accommodations without meeting "new demands;"
   d. On or around January 16, 2018, the University denied your appeal of the reasonable accommodations decision made by the Office of Accessibility on January 13, 2018;

2. The University retaliated against you for your disability-based advocacy when:
   a. Sometime between January 2018 and March 2018, the University issued a no-trespass notice to you pursuant to which you were not allowed to come on the University campus for the subsequent two year period;
   b. On March 1, 2018, a University police officer trespassed on your private property in Randolph County;
   c. Sometime after the Randolph County sheriff removed the University police officer from your private property, the University police officer threatened to bring false criminal charges against you;
   d. On March 15, 2018, the University's Vice Chancellor did not end a phone conversation at your request, thereby "manipulating 54 minutes" of your time;

e. On March 22, 2018, the University's Vice Chancellor emailed you requesting that you participate in a meeting with various University offices, including the University administrator who sent the University police officer to your home.

If you disagree with the way OCR stated your allegations, please contact the OCR staff person identified below within 10 days of the date of this letter.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance from the Department. OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive Federal financial assistance from the Department. OCR enforces the Age Discrimination Act of 1975 (the Age Act) and its implementing regulation at 34 C.F.R. Part 110, which prohibit discrimination on the basis of age in any program or activity receiving Federal financial assistance from the Department. The laws enforced by OCR prohibit retaliation against any individual who asserts rights or privileges under these laws or who files a complaint, testifies, assists, or participates in a proceeding under these laws. Because the University receives Federal financial assistance from the Department and is a public entity, OCR has jurisdiction over it pursuant to Section 504, Title II, Title VI, and the Age Act.[1]

Because OCR determined that it has jurisdiction and that the Allegations 2(a)-(c) were timely filed, OCR is opening Allegations 2(a)-(c) for investigation. Please note that opening the allegations for investigation in no way implies that OCR has made a determination on the merits of the allegations. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from you, the University, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the allegations in accordance with the provisions of the *Case Processing Manual*, available at http://www.ed.gov/ocr/docs/ocrcpm.html.

After carefully reviewing the information you provided, OCR determined that we will not investigate Allegation 1 and Allegation 2(d)-(e).

---

[1] In correspondence with OCR you have asserted that the University has violated your constitutional rights, specifically under the 4th, 5th, and 14th amendments to the U.S. Constitution. OCR enforces specific federal civil rights statutes that may be related to these rights but does not have jurisdiction, or authority, over claims based solely on the U.S. Constitution. You also assert that the University never responded to a FOIA request you made in 2015. OCR does not enforce the University's compliance with FOIA. You may have the right to file a private suit in federal court asserting claims not within OCR's jurisdiction; a private attorney, local legal aid organization, and/or state or local bar association may be able to assist you further. Finally, you suggest that the University violated the Family Educational Rights and Privacy Act of 1974 (FERPA). FERPA is enforced by the Department's Family Policy Compliance Office (FPCO). For more information about filing a FERPA complaint with FPCO, you may visit http://familypolicy.ed.gov/complaint-form or call 1-800-872-5327. You may also contact the FPCO at: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202.

OCR carefully reviewed the information you provided to OCR in response to this request. However, your response did not provide enough information to raise the allegations of age-based or racial discrimination above the level of speculation. To open an investigation, a complaint must provide more than conclusions of alleged violations of the laws enforced by OCR. You stated that you believe the University's treatment of you was based on age and race because you are a white 47-year-old. Specifically, you responded to OCR: "At 47 years old this is either age discrimination or reverse affirmative action. Tell me which?" Cursory assertions such as this are not enough to suggest that age-based or racial discrimination may have occurred, and you did not provide any supporting information to suggest that the University took actions against you because of your race or age.[3] Finally, you described how it is generally harder for older individuals to find employment than for younger individuals, and that the University's withholding of your degree has therefore had a more significant impact on you as a 47-year-old man attempting to secure a job. However, the possible disparate effect of the University's decision on you due to your age is not sufficient to state a legal claim of age discrimination.

III. Alleged Disability Discrimination

Allegation 1(b): The University requested additional medical information from you after you submitted a voluntary disclosure with the University's Office of Accessibility on or around January 10, 2018.

Allegation 1(c): On or around January 13, 2018, the University refused to provide you with disability-related accommodations without meeting "new demands."

Allegation 1(d): On or around January 16, 2018, the University denied your appeal of the reasonable accommodations decision made by the Office of Accessibility on January 13, 2018.

OCR is dismissing Allegations 1(b)-(d) with respect to disability discrimination under Section 108(a) of OCR's *Case Processing Manual* because they do not state violations of Section 504 or Title II.

The Section 504 regulation, at 34 C.F.R. § 104.43(a), provides that a qualified person with a disability may not be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any postsecondary aids, benefits, or services on the basis of disability. The regulation at § 104.44(a) requires a university to modify its academic requirements as necessary to ensure that such requirements do not discriminate or have the effect of discriminating on the basis of disability against a qualified student with a disability. The regulation at § 104.44(d) requires a university to ensure that no qualified individual with a disability is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills. OCR interprets the Title II regulation to require public universities to provide academic adjustments and auxiliary aids to the same extent as required under Section 504.

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[3] You asserted several times to OCR that you are "a known Republican, living in a Liberal University system." Political affiliation is not a protected class under the laws that OCR enforces; moreover, OCR cannot infer age-based or racial discrimination based solely on the University's knowledge of an individual's political affiliation.

Universities may establish reasonable requirements and procedures for students to provide documentation of their disability and request academic adjustments and auxiliary aids and services. Students are responsible for obtaining disability documentation and for knowing and following the procedures established by the university. Once the student has provided adequate notice and documentation of his/her disability and the need for modifications due to the disability, the university must provide the student with appropriate academic adjustments and auxiliary aids and services that are necessary to afford the student an equal opportunity to participate in a school's program. However, the university is not required to make adjustments or provide aids or services that would result in a fundamental alteration of the university's program or impose an undue burden.

In determining what modifications are appropriate for a student with a disability, the university should familiarize itself with the student's disability and documentation, explore potential modifications, and exercise professional judgment. The question of whether a university has to make modifications to its academic requirements or provide auxiliary aids is determined on a case-by-case basis. OCR generally does not substitute its judgment for that of qualified educators and professionals regarding modifications. Instead, OCR reviews relevant factual evidence to determine whether a university acted in a reasonable manner and whether it took appropriate steps consistent with Section 504 and Title II in making decisions regarding a student's eligibility for academic adjustments. Both Section 504 and Title II envision a meaningful and informed process with respect to the provision of modifications, e.g., through an interactive and collaborative process between the university and the student. If a university denies a request for a modification, it should clearly communicate the reasons for its decision to the student so that the student has a reasonable opportunity to respond and provide additional documentation that would address the university's objections.

Based on a review of the information you provided to OCR, you reenrolled in the University for the Spring 2018 semester to complete the final course required to graduate from your degree program.[4] Upon receipt of your voluntary disclosure of disability, the University's Office of Accessibility Services (OARS) requested additional medical information from you. On January 12, 2018, the Director of OARS emailed you explaining that the documentation you provided regarding accessing appropriate academic accommodations did not meet the University's required guidelines. You responded on January 13, 2018 that the documentation you provided had been sufficient during the 2016 Spring semester and therefore should still be sufficient two years later. In an email sent to you on January 16, 2018, the Director of OARS set forth a full and in-depth analysis of the current issues with the documentation you had provided at that point, as well as offers of assistance in navigating the accommodation process. Most importantly, the Director of OARS indicated that the 2015 medical notes suggested that your condition was

[4] OCR notes that you claim that you had already completed all degree requirements based on the prior dispute over the University's refusal to accept credit transfer from another institution. However, you provided OCR with a copy of a February 22, 2017 email from the University Registrar's Office that states: "Your application for Spring 2017 graduation has been removed...Degree candidates will not earn degrees nor be graduated from the University until they have completed all degree requirements and have officially applied for graduation. Participation in a commencement ceremony does not presume graduation from the University...We wish you all the best as you are nearing the completion of your degree."

subject to change over time. OCR reviewed the same documentation you provided to the University and confirmed that the University's descriptions accurately reflect those documents.

You further explained to OCR that your primary care doctor had retired, and that the doctor who examined you for the first time on December 26, 2017 would not provide you with a note regarding disability-related accommodations. You also provided OCR with a letter from a neurologist dated February 16, 2018 confirming that you receive treatment for persistent migraine headaches and may need accommodations, such as additional time for test taking, when a migraine is present. You did not provide any information regarding whether OARS considered the subsequent February 2018 documentation to be sufficient, or the status of the interactive accommodations process after the January 2018 email exchanges with OARS.

Upon OCR review, Allegations 1(b)-(d) revolve around the University's request for updated medical documentation prior to providing you with disability-related accommodations. These facts, as alleged, do not establish a violation of the procedural requirements set forth in Section 504 and Title II. Rather, the alleged facts show the University acting in a reasonable manner and taking appropriate steps consistent with the legal requirements in making decisions regarding your eligibility for academic adjustments. You have not alleged any way in which the University failed to establish reasonable requirements and procedures for students to provide documentation of their disabilities and request related accommodations.

IV. Alleged Retaliation for Disability-Based Advocacy

Allegation 2(d): The University retaliated against you for your disability-based advocacy on March 15, 2018 when the University's Vice Chancellor did not end a phone conversation at your request, thereby "manipulating 54 minutes" of your time.

Allegation 2(e): The University retaliated against you for your disability-based advocacy on March 22, 2018 when the University's Vice Chancellor emailed you requesting that you participate in a meeting with various University offices, including the University administrator who sent the University police officer to your home.

OCR is dismissing Allegations 2(d) and 2(e) under Section 108.a. of OCR's *Case Processing Manual* because they do not state a violation of Section 504 or Title II.[5]

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[5] During the evaluation process, OCR asked you what actions you had taken, or threatened to take, for which you believed the University subsequently retaliated against you to dissuade you from engaging in further protected activity. Your response identified several ways in which you had asserted your rights to reasonable accommodations as a person with a disability, including filing a past OCR complaint and engaging in a dispute with OARS. Although you did not identify it, OCR notes that on March 5, 2018 you submitted a written complaint to the University's Dean of Students Office alleging both disability and age discrimination. The Age Act regulation, at 34 C.F.R. § 110.34, prohibits retaliation against any individual who asserts rights or privileges under the Age Act or who files a complaint, testifies, assists, or participates in a proceeding under the Age Act. The alleged retaliatory acts described in Allegations 2(d) and 2(e) took place soon after your March 5th complaint. However, for the reasons described herein, these acts do not rise to the level of adverse action required to state a claim of retaliation in violation of the Age Act.

The Section 504 regulation, at 34 C.F.R. § 104.61, which incorporates the procedural provisions of the regulation implementing Title VI of the Civil Rights Act of 1964, prohibits retaliation against any individual who asserts rights or privileges under Section 504 or who files a complaint, testifies, assists, or participates in a proceeding under Section 504. The Title II regulation, at 28 C.F.R. § 35.134, contains a similar prohibition against retaliation. When analyzing a claim of retaliation, OCR will look at: 1) whether the Complainant engaged in a protected activity (e.g., filed a complaint or asserted a right under a law OCR enforces); 2) whether the University took an adverse action against the Complainant; and 3) whether there is a causal connection between the protected activity and the adverse action. If all these elements are present, this establishes an initial, or prima facie, case of retaliation. OCR then determines whether the University has a legitimate, non-retaliatory reason for its action. Finally, OCR examines whether the University's reason for its action is a pretext, or excuse, for unlawful retaliation.

While you have identified to OCR several protected activities taken prior to March 2018, the University's actions in March 2018 do not amount to adverse actions from which OCR could infer retaliation in violation of the laws that we enforce. An adverse action is something that could deter a reasonable person from engaging in further protected activity. Petty slights, minor annoyances, and lack of good manners do not constitute adverse actions.

Finally, OCR reviewed the email sent to you by the Vice Chancellor on March 22, 2018 and determined that a reasonable person would not be deterred from further protected activities upon its receipt. In fact, the Vice Chancellor wrote, in part, to address your age and disability discrimination complaints, explaining that the University wanted to investigate these matters and needed to meet with you in order to proceed in this manner. The Vice Chancellor requested that you call to schedule an appointment for such meeting, or if you opted not to, the matter would be considered closed by March 30, 2018.

Because you have not alleged adverse actions that would dissuade a reasonable person from asserting their rights under Section 504 or Title II, OCR is dismissing Allegations 2(d) and 2(e).

For the reasons explained above, OCR is dismissing Allegations 1(a)-(d) and 2(d)-(e) as of the date of this letter and will take no further action on these allegations. However, as noted above, we are opening an investigation of Allegations 2(a), 2(b), and 2(c).

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. You may have the right to file a private suit in federal court whether or not OCR finds a violation.

The Complainant has the right, pursuant to the regulation at 34 C.F.R. § 110.39 implementing the Age Act, to file a civil action for injunctive relief in federal court following the exhaustion of administrative remedies. Administrative remedies are exhausted if: (1) 180 days have elapsed since the complainant filed the complaint with OCR, and OCR has made no finding, or (2) OCR issues any finding in favor of the recipient. A civil action can be brought only in a United States

district court for the district in which the recipient is found or transacts business. A complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but these costs must be demanded in the complaint filed with the court. Before commencing the action, the complainant shall give 30 days' notice by registered mail to the Secretary of the Department of Education, the Secretary of the Department of Health and Human Services, the Attorney General of the United States, and the recipient. The notice shall state the alleged violation of the Age Act, the relief requested, the court in which the action will be brought, and whether or not attorney's fees are demanded in the event the complainant prevails. The complainant may not bring an action if the same alleged violation of the Age Act by the same recipient is the subject of a pending action in any court of the United States.

Please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, please contact Megan Rok, the OCR attorney assigned to this complaint, at 202-453-6978 or megan.rok@ed.gov.

Sincerely,

Michael Hing
Team Leader, Team I
District of Columbia Office
Office for Civil Rights

U.S. Department of Justice
Civil Rights Division

Disability Rights Section - NYA
950 Pennsylvania Ave. NW
Washington, DC 20530

February 7, 2018

Notice of Referral of Complaint for Appropriate Action

To: Alice B. Wender, Director
Office for Civil Rights
District of Columbia Office
Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1475

Gregory Sumner
3164 Sumner Road
Trinity, NC 27370

From: Disability Rights Section, Civil Rights Division, U.S. Department of Justice

Reference: **CTS# 623715; Gregory Sumner, Trinity, NC; regarding UNCG, Greensboro, NC; received by DOJ on February 2, 2018 [related to CTS# 591128 referred to ED/OCR on April 3, 2017]**

The Disability Rights Section has reviewed the enclosed complaint and determined that it raises issues that are more appropriately addressed by the Department of Education. We, therefore, are referring this complaint to that agency for appropriate action. This letter serves to notify that agency and the complainant of this referral. The Disability Rights Section will take no further action on this matter.

To check the status of the complaint, or to submit additional information, the complainant may contact the referral agency at the address above or at the following telephone number(s): (202) 453-6020. Elaine Marie

If the agency has any questions or concerns about this referral or believes that it raises issues outside the agency's jurisdiction, please do not hesitate to contact the Department of Justice. If the referral involves a complaint alleging a violation of title II of the Americans with Disabilities Act, a "Final Disposition Response Form" is enclosed for use in notifying the Disability Rights Section about actions taken on the complaint.

DJ# 204-54M-0

Final Disposition Response

30 day Notice CIVIL Action

We have completed processing the correspondence referred by the Department of Justice, CTS# 623715, and are notifying you about our final disposition in the case.

Agency Docket #_____ (if appropriate)

X Enclosed is the final written disposition. 30 Day Notice CIVIL ACTION

_____ There is no final written disposition in this matter but we closed it for the following reason:

Since 2015 Chronic Neurologic condition - Multiple VA Doctors Noted Lecture class Only; with extended time For online assignments! Take Topiramate prevent/control Seizures (epilepsy) antiepileptic drug. 6 per day; plus others!

TENNESSEE V. LANE

* Violate ADA since 2015 Harass, discriminate, exploit, and extort refuse to provide accommodations. Graduated Dec 2016! Graduation Canceled Feb 2017 based on Arbitrary Grade Demand of C in a class that I've Now taken AND PAID For Twice! OUT OF POCKET ALL

* Age Act. 47 years old Kept out of work Force For multiple years over arbitrary grade discrimination liable/slander defamation of character with absolute malice retaliate whistleblower trespass outside of jurisdiction False Charge staff member sent UNCG Police to threaten and intimidate on March 1 2018

US District Court, 324 W. Market Street, GREENSBORO NC 27401-2544

UNCG - RESPONSIBLE FOR ALL COURT COST AND ATTORNEY FEES! $1,000,000 + Degree

Name GREG SUMNER Telephone 336-899-3478

Title_____ Agency_____ Date 12/18/18

Sent to: DOJ
Sec. DOE / OCR
Sec. Dept. Health Human Service
UNCG - Vice Chancellor Brett Carter

April 10, 2017 OCR #11-17-2223
Appeal Jan 29, 2018 OCR #11-18-2115
Re Filed April 10, 2018 OCR# 11-18-2194

Display Transcript

883253682 Gregory S. Sumner
Jul 09, 2020 02:55 pm

i This is NOT an official transcript. Courses which are in progress may also be included on this transcript.

Transfer Credit Institution Credit Transcript Totals

Transcript Data

STUDENT INFORMATION

Birth Date: 25-FEB-1971
Student Type: Reactivated

Curriculum Information

Current Program
Bachelor of Science
Program: BS - Business and Economics
College: Sch of Business and Economics
Major: Business Administration
Major Concentration: Business Studies

***Transcript type:ADVS is NOT Official ***

TRANSFER CREDIT ACCEPTED BY INSTITUTION -Top-

Randolph CC (2+)

Subject	Course	Title	Grade	Credit Hours	Quality Points	R
ACC	201	Financial Accounting	T	4.000		0.00
ACC	202	Managerial Accounting	T	4.000		0.00
BUS	000	Elective Hrs for AAS Degree	T	20.000		0.00
BUS	100	Glob Bus Mrkts and Society	T	3.000		0.00
ECO	202	Prin of Macroecon	T	3.000		0.00
ELE	000	GEC Writ/Speak Int Waiver	T	0.000		0.00
ENG	101	College Writing I	T	2.000		0.00
ENG	102	College Writing II	T	2.000		0.00
FIN	315	Business Finance I	T	3.000		0.00
ISM	110	Business Computing I	T	3.000		0.00
MGT	200	Mgt of Organizations	T	3.000		0.00
MGT	312	Human Behav Bus Organ	T	3.000		0.00
MGT	313	Human Resource Management	T	3.000		0.00
MGT	330	Legal Environ of Business	T	3.000		0.00
MKT	320	Prin of Marketing	T	3.000		0.00
MKT	327	Selling And Sales Management	T	3.000		0.00
PSC	100	Amer Politics	T	0.000		0.00
REL	101	Intro to Religious Studies	T	2.000		0.00

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	64.000	64.000	64.000	0.000	0.00	0.00

Unofficial Transcript

INSTITUTION CREDIT -Top-

College: Sch of Business and Economics
Major: Business Administration
Student Type: Transfer
Academic Standing:

Subject	Course	Campus	Level	Title	Grade	Credit Hours	Quality Points	Start and End Dates	R	CEU	Contact Hours
ECO	201	Greensboro Main	UG	Principles of Microeconomics	C+	3.000	6.90				
ENT	300	Greensboro Main	UG	IdeastoOpps:Feasibilty Analys	B	3.000	9.00				
ENT	337	Greensboro Main	UG	Family Business	B	3.000	9.00				
ENT	450	Greensboro Main	UG	Directed Business Practice	B+	3.000	9.90				
MKT	309	Greensboro Main	UG	Business Communications	W	0.000	0.00				

Term Totals (Undergraduate)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	12.000	12.000	12.000	12.000	34.80	2.90
Cumulative:	12.000	12.000	12.000	12.000	34.80	2.90

Unofficial Transcript

College: Sch of Business and Economics
Major: Business Administration
Student Type: Continuing
Academic Standing: Good Standing

Subject	Course	Campus	Level	Title	Grade	Credit Hours	Quality Points	Start and End Dates	R	CEU	Contact Hours
ENT	336	Greensboro Main	UG	Opps to Action:Business Plan	B	3.000	9.00				
ENT	338	Greensboro Main	UG	Franchising	B	3.000	9.00				
HIS	349	Greensboro Main	UG	World at War 1939-1945	B	3.000	9.00				
MGT	301	Online	UG	Intro to Internationl Business	D	3.000	3.00				

Term Totals (Undergraduate)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	12.000	12.000	12.000	12.000	30.00	2.50
Cumulative:	24.000	24.000	24.000	24.000	64.80	2.70

Unofficial Transcript

College: Sch of Business and Economics

Major: Business Administration
Student Type: Continuing
Academic Standing: Good Standing

Subject	Course	Campus	Level	Title	Grade	Credit Hours	Quality Points	Start and End Dates	R	CEU	Contact Hours
CST	105	Greensboro Main	UG	Intro to Communication Studies	A-	3.000	11.10				
MKT	309	Online	UG	Business Communications	D+	3.000	3.90				

Term Totals (Undergraduate)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	6.000	6.000	6.000	6.000	15.00	2.50
Cumulative:	30.000	30.000	30.000	30.000	79.80	2.66

Unofficial Transcript

College: Sch of Business and Economics
Major: Business Administration
Student Type: Continuing
Academic Standing: Good Standing (Combined Academic Standing)

Subject	Course	Campus	Level	Title	Grade	Credit Hours	Quality Points	Start and End Dates	R	CEU	Contact Hours
GEO	103	Greensboro Main	UG	Introduction to Earth Science	B	3.000	9.00				
HIS	217	Greensboro Main	UG	The World in the 20th Century	B	3.000	9.00				
ISM	280	Greensboro Main	UG	Bus Processes Informatn Technl	B	3.000	9.00				
LLC	120	Greensboro Main	UG	Glbl Xings:Imges, Media, Texts	C+	3.000	6.90				

Term Totals (Undergraduate)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	12.000	12.000	12.000	12.000	33.90	2.82
Cumulative:	42.000	42.000	42.000	42.000	113.70	2.70

Unofficial Transcript

College: Sch of Business and Economics
Major: Business Administration
Student Type: Continuing
Academic Standing: Good Standing (Combined Academic Standing)

Subject	Course	Campus	Level	Title	Grade	Credit Hours	Quality Points	Start and End Dates	R	CEU	Contact Hours
BIO	111	Greensboro Main	UG	Principles of Biology I	W	4.000	0.00				
ENT	362	Greensboro Main	UG	Ethical Issues in Entrprnshp	B-	3.000	8.10				
MAT	115	Greensboro Main	UG	College Algebra	W	3.000	0.00				
MUS	329	Greensboro Main	UG	History of Rock Music	C-	3.000	5.10				

Term Totals (Undergraduate)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	13.000	6.000	6.000	6.000	13.20	2.20
Cumulative:	55.000	48.000	48.000	48.000	126.90	2.64

Unofficial Transcript

College: Sch of Business and Economics
Major: Business Administration
Student Type: Continuing
Academic Standing: Good Standing (Combined Academic Standing)

Subject	Course	Campus	Level	Title	Grade	Credit Hours	Quality Points	Start and End Dates	R	CEU Contact Hours
ATY	253	Online	UG	Intro to Biological Anthrpolgy	W	4.000	0.00			
MAT	115	Greensboro Main	UG	College Algebra	D-	3.000	2.10			

Term Totals (Undergraduate)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	7.000	3.000	3.000	3.000	2.10	0.70
Cumulative:	62.000	51.000	51.000	51.000	129.00	2.52

Unofficial Transcript

College: Sch of Business and Economics
Major: Business Administration
Student Type: Continuing
Academic Standing: Good Standing (Combined Academic Standing)

Subject	Course	Campus	Level	Title	Grade	Credit Hours	Quality Points	Start and End Dates	R	CEU Contact Hours
ECO	250	Greensboro Main	UG	Econ / Business Statistics I	W	3.000	0.00			
MGT	491	Greensboro Main	UG	Business Policy and Strategy	D	3.000	3.00			
PSC	348	Greensboro Main	UG	International Organization	D	3.000	3.00			
SCM	302	Greensboro Main	UG	Operations Management	D	3.000	3.00			

Term Totals (Undergraduate)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	12.000	9.000	9.000	9.000	9.00	1.00
Cumulative:	74.000	60.000	60.000	60.000	138.00	2.30

Unofficial Transcript

TRANSCRIPT TOTALS (UNDERGRADUATE) Top

	Attempt	Passed Hours	Earned	GPA Hours	Quality	GPA

View Holds

These are the holds on your record. If you have a registration hold you will not be allowed to register. If you have a grades hold you will not be able to view your grades. A transcript hold will prevent you from viewing your transcript.

Administrative Holds

Hold Type	From Date	To Date	Amount	Reason	Originator	Processes Affected
Dean of Students	Feb 27, 2019	Dec 31, 2099			Dean of Students	Registration Graduation
Dean of Students	Feb 27, 2019	Dec 31, 2099			Dean of Students	Registration Graduation
Dean of Students	Feb 27, 2019	Dec 31, 2099			Dean of Students	Registration Graduation
Dean of Students	Feb 27, 2019	Dec 31, 2099			Dean of Students	Registration Graduation
Dean of Students	Feb 27, 2019	Dec 31, 2099			Dean of Students	Registration Graduation
Dean of Students	Feb 27, 2019	Dec 31, 2099			Dean of Students	Registration Graduation
Dean of Students	Feb 27, 2019	Dec 31, 2099			Dean of Students	Registration Graduation
Dean of Students	Feb 27, 2019	Dec 31, 2099			Dean of Students	Registration Graduation
Dean of Students	Feb 27, 2019	Dec 31, 2099			Dean of Students	Registration Graduation
Dean of Students	Feb 27, 2019	Dec 31, 2099			Dean of Students	Registration Graduation

RELEASE: 8.7.1