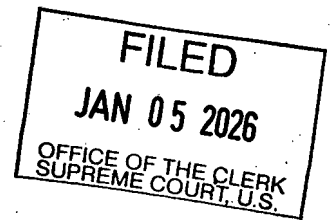


No. **25-7512**



IN THE SUPREME COURT OF THE UNITED STATES

DEREK WILLIAM WRAGGE,

Petitioner,

v.

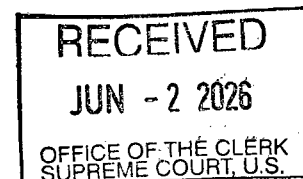
CITY OF WILMINGTON, NORTH CAROLINA,

Respondent.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Fourth Circuit

PETITION FOR A WRIT OF CERTIORARI

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Petitioner Pro Se



QUESTIONS PRESENTED

1. Whether a court of appeals may affirm dismissal of a pro se civil-rights action on the ground that the appellant forfeited review under a local informal-brief rule, without liberally construing the pro se filings to determine whether they fairly challenged the basis for dismissal.
2. Whether, at the screening stage under 28 U.S.C. § 1915(e)(2)(B), a district court should dismiss a pro se complaint alleging municipal zoning action affecting property interests without allowing an opportunity to clarify the federal constitutional and statutory basis for relief where amendment would not be futile.
3. Whether a pro se complaint alleging that municipal officials, acting under color of law, deprived a property owner of protected property interests without adequate process may be dismissed before discovery solely because the pleading is imperfectly labeled.

PARTIES TO THE PROCEEDING

Petitioner is Derek William Wragge, who was the plaintiff in the United States District Court for the Eastern District of North Carolina and the appellant in the United States Court of Appeals for the Fourth Circuit.

Respondent is the City of Wilmington, North Carolina, which was the defendant in the District Court and the appellee in the Court of Appeals.

RELATED PROCEEDINGS

Wragge v. The City of Wilmington, No. 7:25-cv-01039-FL-RN, United States District Court for the Eastern District of North Carolina. Judgment entered June 26, 2025.

Wragge v. The City of Wilmington, No. 25-1746, United States Court of Appeals for the Fourth Circuit. Judgment entered October 20, 2025; rehearing denied December 30, 2025. [*Current Case*]

Wragge v. North Carolina, No. 7:25-cv-01084, United States District Court for the Eastern District of North Carolina.

Wragge v. North Carolina, No. 25-2031, United States Court of Appeals for the Fourth Circuit. [*Vacated and Remanded*]

Wragge v. North Carolina, No. 7:25-cv-01392, United States District Court for the Eastern District of North Carolina. [*Pending*]

TABLE OF CONTENTS

QUESTIONS PRESENTED	2
PARTIES TO THE PROCEEDING	3
RELATED PROCEEDINGS	3
TABLE OF CONTENTS	4
TABLE OF AUTHORITIES	5
PETITION FOR A WRIT OF CERTIORARI	6
OPINIONS BELOW	6
JURISDICTION	6
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	6
STATEMENT OF THE CASE	7
REASONS FOR GRANTING THE PETITION	8
CONCLUSION	10
CERTIFICATE OF SERVICE	11
APPENDIX	12
Appendix A - Fourth Circuit Opinion	1a
Appendix B - Fourth Circuit Judgment	4a
Appendix C - Fourth Circuit Order Denying Rehearing	6a
Appendix D - District Court Order of Dismissal	8a
Appendix E - Magistrate Judge Memorandum and Recommendation	11a

TABLE OF AUTHORITIES

Cases

Ashcroft v. Iqbal, 556 U.S. 662 (2009)
Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)
Denton v. Hernandez, 504 U.S. 25 (1992)
Erickson v. Pardus, 551 U.S. 89 (2007)
Foman v. Davis, 371 U.S. 178 (1962)
Haines v. Kerner, 404 U.S. 519 (1972)
Hughes v. Rowe, 449 U.S. 5 (1980)
Mathews v. Eldridge, 424 U.S. 319 (1976)
Monell v. Department of Social Services, 436 U.S. 658 (1978)
Neitzke v. Williams, 490 U.S. 319 (1989)

Statutes and Rules

28 U.S.C. § 1254(1)
28 U.S.C. § 1915(e)(2)(B)
42 U.S.C. § 1983
Fed. R. Civ. P. 15(a)(2)
Supreme Court Rule 14

Constitutional Provision

U.S. Const. amend. XIV

PETITION FOR A WRIT OF CERTIORARI

Petitioner Derek William Wragge respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fourth Circuit in No. 25-1746, which affirmed dismissal of his civil-rights action involving real estate, E.D.N.C. No. 7:25-cv-01039.

OPINIONS BELOW

The unpublished opinion of the United States Court of Appeals for the Fourth Circuit entered October 20, 2025, appears at Appendix A. The Fourth Circuit judgment entered October 20, 2025, appears at Appendix B. The Fourth Circuit order denying rehearing and rehearing en banc entered December 30, 2025, appears at Appendix C. The United States District Court order dismissing the action entered June 26, 2025, appears at Appendix D. The magistrate judge memorandum and recommendation dated June 11, 2025, appears at Appendix E.

JURISDICTION

The United States Court of Appeals for the Fourth Circuit entered judgment on October 20, 2025. Petitioner sought rehearing, and the Fourth Circuit denied rehearing and rehearing en banc on December 30, 2025. This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth Amendment provides, in relevant part, that no State shall deprive any person of life, liberty, or property without due process of law.

42 U.S.C. § 1983 provides a civil remedy against a person who, under color of state law, deprives another of rights secured by the Constitution and laws of the United States.

28 U.S.C. § 1915(e)(2)(B) governs screening of actions filed in forma pauperis and requires dismissal of an action that is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against an immune defendant.

STATEMENT OF THE CASE

Petitioner filed this action pro se against the City of Wilmington. The pleadings concerned municipal zoning and property-related actions that Petitioner alleged affected his real-property interests. The magistrate judge recognized that the pleadings appeared to allege recent zoning-enforcement issues on properties owned by Petitioner, alleged influence on builders or contracts, and alleged control over sales of properties.

The district court granted leave to proceed in forma pauperis but screened the pleadings under 28 U.S.C. § 1915(e)(2)(B). The magistrate judge recommended dismissal without prejudice, reasoning that the complaint and amended complaint did not identify the state or federal laws allegedly violated and did not provide a basis for jurisdiction.

Petitioner filed objections. The district court adopted the recommendation, concluding that the objections did not cure the deficiencies identified by the magistrate judge. The court dismissed the action without prejudice.

Petitioner appealed. The Fourth Circuit affirmed in an unpublished per curiam opinion. Rather than address the merits of the alleged constitutional and property-rights issues, the court held that its review was confined to issues raised in the informal brief and that Petitioner had forfeited appellate review because his informal and supplemental informal briefs did not challenge the basis for the district court's disposition.

Petitioner sought rehearing and rehearing en banc. The Fourth Circuit denied rehearing and rehearing en banc. This petition follows.

REASONS FOR GRANTING THE PETITION

"If I sold a glass of lemonade for 25 cents, I would have made more money selling lemonade than I did selling four properties in one of the nation's fastest growing areas. There is a problem with that" - Derek Wragge

I. The decision below turns on a recurring problem in pro se civil-rights litigation: whether procedural rules may be applied so strictly that they prevent any review of potentially constitutional claims.

The Fourth Circuit affirmed because it concluded that Petitioner forfeited review under the court of appeals' informal-brief rule. That disposition raises an important question about the treatment of pro se filings in cases involving alleged deprivations of property and due process rights.

This Court has repeatedly instructed that pro se pleadings and filings must be liberally construed. Liberal construction does not excuse every defect, but it requires courts to read a filing for substance, not merely for labels. Where a pro se appellant attempts to contest dismissal of a civil-rights action, imprecise drafting should not become a complete forfeiture unless the filing truly gives no fair notice of the issue.

The question is especially important because the district court dismissed at the threshold before service, discovery, or development of a record. The combination of screening dismissal and appellate forfeiture meant that no court examined whether the facts, if properly framed under section 1983, could state a claim for deprivation of property without due process or municipal liability under Monell.

II. The petition presents an important screening-stage question under section 1915(e)(2)(B).

Screening serves a legitimate purpose, but it must be applied consistently with the pleading rules and the special solicitude owed to pro se litigants. A complaint need not contain detailed factual allegations, but it must contain enough factual matter to state a plausible claim. *Twombly* and *Iqbal* require plausibility, not technical perfection.

The district court dismissed because Petitioner did not adequately identify the laws violated and did not adequately state jurisdiction. Those are defects that, in many cases, can be corrected by amendment. Rule 15 embodies a strong policy favoring amendment when justice requires, and *Foman v. Davis* instructs that leave to amend should ordinarily be freely given absent reasons such as bad faith, undue delay, repeated failure to cure, prejudice, or futility.

The allegations here involved municipal action, zoning decisions, alleged interference with property interests, and claimed deprivation of due process. Those are the kinds of allegations that, if clarified, may implicate 42 U.S.C. § 1983, the Fourteenth Amendment, and Monell municipal-liability principles. A pro se litigant should not lose access to federal review because he did not initially label every constitutional theory with precision.

III. This case is a suitable vehicle because the lower courts identified a clear procedural ground that this Court can review.

The Fourth Circuit did not rest on a fact-bound merits determination. It affirmed on a clear procedural rule: forfeiture under the local informal-brief rule. The district court likewise dismissed at the pleading and screening stage. The record therefore presents a clean question about how federal courts should treat pro se filings when threshold procedural rules prevent review of alleged constitutional deprivations.

This petition does not ask the Court to decide damages or resolve disputed facts. It asks the Court to review whether a pro se civil-rights plaintiff should receive liberal construction, meaningful appellate review, and, where appropriate, an opportunity to amend before potentially serious constitutional claims are screened out.

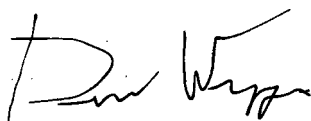
IV. At minimum, the Court should grant, vacate, and remand for reconsideration under the proper pro se pleading standard.

Even if plenary review is not granted, this case warrants a grant, vacate, and remand. The decision below did not address whether the pleadings, liberally construed, alleged deprivation of property without due process or municipal action under color of law. A remand would permit the lower courts to apply the governing pro se pleading standards and determine whether, with leave to amend if amendment is not futile, the allegations state a claim under federal law.

CONCLUSION

The petition for a writ of certiorari should be granted. In the alternative, the Court should grant the petition, vacate the judgment below, and remand for reconsideration under the proper standards for pro se pleadings, section 1915(e)(2)(B) screening, and leave to amend.

Respectfully submitted,



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