

APPENDIX A

Fourth Circuit Unpublished Opinion

United States Court of Appeals for the Fourth Circuit unpublished opinion, entered October 20, 2025, affirming the district court judgment.

UNPUBLISHED**UNITED STATES COURT OF APPEALS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

No. 25-1746

DEREK WILLIAM WRAGGE,**Plaintiff - Appellant,****v.****THE CITY OF WILMINGTON,****Defendant - Appellee.**

**Appeal from the United States District Court for the Eastern District of North Carolina, at
Wilmington. Louise W. Flanagan, District Judge. (7:25-cv-01039-FL-RN)**

Submitted: October 16, 2025**Decided: October 20, 2025**

Before KING, AGEE, and RICHARDSON, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Derek William Wragge, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Derek William Wragge appeals the district court's order dismissing his amended civil complaint for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B). On appeal, we confine our review to the issues raised in the informal brief. *See* 4th Cir. R. 34(b). Because Wragge's informal and supplemental informal briefs do not challenge the basis for the district court's disposition, he has forfeited appellate review of the court's order. *See Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014) ("The informal brief is an important document; under Fourth Circuit rules, our review is limited to issues preserved in that brief."). Accordingly, we affirm the district court's judgment. We deny all Wragge's pending motions, including his motions requesting that his original complaint be served and to update his original demand. We further deny as moot Wragge's motions to expedite. 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

APPENDIX B

Fourth Circuit Judgment

United States Court of Appeals for the Fourth Circuit judgment, entered October 20, 2025.

FILED: October 20, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-1746
(7:25-cv-01039-FL-RN)

DEREK WILLIAM WRAGGE

Plaintiff - Appellant

v.

THE CITY OF WILMINGTON

Defendant - Appellee

J U D G M E N T

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

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

/s/ NWAMAKA ANOWI, CLERK

APPENDIX C

Fourth Circuit Order Denying Rehearing

United States Court of Appeals for the Fourth Circuit order denying petition for rehearing and rehearing en banc, entered December 30, 2025.

FILED: December 30, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-1746
(7:25-cv-01039-FL-RN)

DEREK WILLIAM WRAGGE

Plaintiff - Appellant

v.

THE CITY OF WILMINGTON

Defendant - Appellee

ORDER

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 40 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge King, Judge Agee, and Judge Richardson.

For the Court

/s/ Nwamaka Anowi, Clerk

APPENDIX D

District Court Order of Dismissal

United States District Court for the Eastern District of North Carolina order adopting the magistrate judge memorandum and recommendation and dismissing the action, entered June 26, 2025.

NO. 7:25-CV-1039-FL

Defendant.

ORDER

The district court reviews de novo those portions of a magistrate judge's M&R to which specific objections are filed. 28 U.S.C. § 636(b). The court does not perform a de novo review where a party makes only "general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations." Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). Upon careful review of the record, "the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).

The magistrate judge recommends dismissal of plaintiffs' claims pursuant to 28 U.S.C. § 1915(e)(2)(B), on the basis that plaintiff's complaint does not identify any state or federal laws he contends defendant violated, and that even under independent review and liberally construing the complaint, no colorable claim can be discerned. Upon careful review of the M&R, the court finds the magistrate judge's analysis to be thorough, and there is no clear error.

Plaintiff's objections, meanwhile, are not responsive to the M&R. They do not engage with the magistrate judge's reasoning. Plaintiff merely details his damages' calculations and reiterates requested relief. These objections provide no basis for the court to reject the M&R.

The court hereby ADOPTS the recommendation of the magistrate judge as its own, and plaintiff's claims are DISMISSED, as set forth in the M&R and for the reasons given above, pursuant to 28 U.S.C. § 1915(e)(2)(B). The clerk of court is DIRECTED to close this case.

SO ORDERED, this the 26th day of June, 2025.


LOUISE W. FLANAGAN
United States District Judge

APPENDIX E

Magistrate Judge Order and Memorandum and Recommendation

United States District Court for the Eastern District of North Carolina order and memorandum and recommendation, filed June 12, 2025 and dated June 11, 2025.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 7:25-CV-01039-FL

Derek William Wragge,

Plaintiff,

v.

The City of Wilmington,

Defendant.

**Order &
Memorandum & Recommendation**

Plaintiff Derek William Wragge, proceeding pro se, seeks to sue the City of Wilmington, North Carolina. Compl., D.E. 1. He also asks to proceed without paying the standard filing fee for civil actions. IFP Mot., D.E. 2.

Because the Complaint failed to specify the laws he claims the City violated, the court directed him to file an amended complaint. Order, D.E. 6. Wragge's supplemental pleading, however, identifies no state or federal laws that he contends were violated. Am. Compl., D.E. 7. Nor does it offer a basis for this court's jurisdiction. *Id.* Given these shortcomings, the undersigned cannot find that his pleadings state a viable claim.

The court will waive the filing fee because Wragge lacks the resources to pay it. But the Complaint and Amended Complaint offer no basis for his claims or this court's jurisdiction. So the undersigned recommends that the court dismiss his Complaint and Amended Complaint for failing to state a claim for relief.

I. Background

Although difficult to decipher, the pleadings appear to allege that Wragge has experienced recent issue with zoning enforcement on properties he owns. He contends that builders canceled

construction contracts after the City exerted influence on them. The pleadings state that the police failed to intervene after his tenants changed the locks on a rental unit and cited him for trespassing. And Wragge maintains that sales of his properties are being controlled.

II. IFP Motion

Wragge asks the court to allow him to proceed with this action without paying the required filing fee and other costs associated with litigation (colloquially known as proceeding *in forma pauperis* or IFP). The court may grant his request if he submits an affidavit describing his assets and the court finds that he cannot pay the filing fee. 28 U.S.C. § 1915. In assessing a request to proceed IFP, the court should consider whether the plaintiff can pay the costs associated with litigation “and still be able to provide himself and his dependents with the necessities of life.” *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948) (internal quotation marks omitted).

The court has reviewed Wragge’s application and finds that he lacks the resources to pay the costs associated with this litigation. The court thus grants his motion (D.E. 2) and allows him to proceed IFP.

III. Screening Under 28 U.S.C. § 1915

After determining that Wragge is entitled to IFP status, the court must analyze the viability of his claims. 28 U.S.C. § 1915(e). The court reviews a complaint to eliminate claims that unnecessarily impede judicial efficiency and the administration of justice. The court must dismiss any portion of the complaint it determines is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. *Id.* § 1915(e)(2)(B).

The court may dismiss a complaint as frivolous because of either legal or factual shortcomings. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). “Legally frivolous claims are based on an ‘indisputably meritless legal theory’ and include ‘claims of infringement of a legal interest which clearly does not exist.’” *Adams v. Rice*, 40 F.3d 72, 75 (4th Cir. 1994) (quoting *Neitzke*, 490 U.S. at 327). A complaint is factually frivolous when its factual allegations are “fanciful, fantastic, and delusional.” *Denton v. Hernandez*, 504 U.S. 25, 32–33 (1992).

A complaint fails to state a claim upon which relief may be granted if it does not “contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). The Supreme Court has explained that “[a] claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.*

Wragge’s pro se status relaxes, but does not eliminate, the requirement that his complaint contain facially plausible claims. The court must liberally construe a pro se plaintiff’s allegations, but it “cannot ignore a clear failure to allege facts” that set forth a cognizable claim. *Johnson v. BAC Home Loans Servicing, LP*, 867 F. Supp. 2d 766, 776 (E.D.N.C. 2011).

The pleadings appear to claim that the City has targeted Wragge in zoning matters. Wragge asserts that the City has manipulated real estate values through its zoning codes. And he contends that the City has created additional burdens on prescriptive land use rights which is discriminatory and constitutes a hate crime. Wragge seeks over \$69,000 for lost property.

Yet neither the Complaint nor the Amended Complaint identify what state or federal laws the City violated. And the court has independently reviewed the Amended Complaint’s factual allegations and concludes that they do not plausibly allege a claim under federal law against the