

FILED

SEP 01 2026

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY MJ DEP CLK

**SHAUNESI YVETTE DeBERRY,
a/k/a SHAUNESI YVETTE MELVIN,**

Case No. 5:26-cv-624-BO

Plaintiff,

**VERIFIED COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

v.

**42 U.S.C. § 1983
FIRST AND FOURTEENTH
AMENDMENTS**

FRANCIS X. De LUCA, in his official capacity as Chair of the North
Carolina State Board of Elections;

STACY "FOUR" EGGERS IV, in his official capacity as Secretary of the
North Carolina State Board of Elections;

JEFF CARMON, SIOBHAN O'DUFFY MILLEN, and ANGELA
HAWKINS, in their official capacities as Members of the North Carolina
State Board of Elections; and

SAM HAYES, in his official capacity as Executive Director of the North
Carolina State Board of Elections,

Defendants.

Plaintiff Shaunesi Yvette DeBerry, also known as Shaunesi Yvette Melvin, proceeding pro se, alleges
as follows:

INTRODUCTION

1. This action challenges, as applied to Plaintiff, Defendants' categorical refusal to accept and process Plaintiff's materials for North Carolina's existing statutory write-in-candidate qualification procedure for the November 3, 2026 general election.
2. Plaintiff does not ask the Court to waive, invalidate, or reduce any substantive requirement. She does not ask the Court to deem any signature valid, require her qualification, or place her name on the ballot without statutory compliance.
3. Plaintiff seeks only a brief, definite, court-ordered opportunity to submit the required declaration and petition materials so that the materials may undergo the same county-level verification and State Board review required of other candidates.
4. Plaintiff understands that she presently lacks 500 verified signatures. She seeks an opportunity to obtain and submit them. If she fails to satisfy the applicable signature, voter-qualification, verification, or other substantive requirements, she will not qualify as a write-in candidate.
5. Defendants have expressly informed Plaintiff that no state-law or administrative mechanism permits her to initiate the process after the applicable deadlines. The challenged refusal therefore presents an immediate controversy that cannot be remedied after the election.
6. The requested relief is narrow. Plaintiff seeks a short cure period, prompt submission of materials, ordinary verification, and application of the existing substantive requirements. The requested relief would not require Defendants to recognize Plaintiff as a candidate unless she independently satisfies those requirements.
7. Election regulations affecting political association and voting are evaluated by considering the character and magnitude of the burden, the State's interests, and the extent to which those interests justify the burden imposed. *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983); *Burdick v. Takushi*, 504 U.S. 428, 434 (1992).

JURISDICTION AND VENUE

8. This action arises under the First and Fourteenth Amendments and 42 U.S.C. § 1983.
9. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343.
10. Plaintiff seeks declaratory relief under 28 U.S.C. §§ 2201–2202 and prospective injunctive relief under Fed. R. Civ. P. 65.
11. Defendants are sued only in their official capacities for prospective relief. Plaintiff seeks no damages.
12. Venue is proper under 28 U.S.C. § 1391(b) because the State Board’s principal office is in Raleigh, North Carolina, and the challenged statewide policy is maintained and implemented there.

PARTIES

13. Plaintiff is a United States citizen and seeks to qualify as a write-in candidate for United States Senate in the November 3, 2026 general election. Plaintiff is not presently a North Carolina resident but intends to return to North Carolina, her home state, and establish North Carolina residency no later than November 3, 2026.
14. Article I, Section 3, Clause 3 of the United States Constitution requires a United States Senator to be an inhabitant of the State for which she is chosen “when elected.” Plaintiff intends to satisfy that constitutional requirement by the date of the November 3, 2026 election.
15. Plaintiff intends to obtain the required signatures, submit the required materials, and comply with all applicable substantive requirements not expressly altered by judicial relief.
16. Defendant Francis X. De Luca is Chair of the North Carolina State Board of Elections and is sued solely in his official capacity.
17. Defendant Stacy “Four” Eggers IV is Secretary of the State Board and is sued solely in his official capacity.
18. Defendants Jeff Carmon, Siobhan O’Duffy Millen, and Angela Hawkins are members of the State Board and are sued solely in their official capacities.
19. Defendant Sam Hayes is Executive Director of the State Board and is sued solely in his official capacity.
20. Each Defendant has responsibility for administering, supervising, implementing, or enforcing the challenged election procedures. The State Board lists its address as Dobbs Building, Third Floor, 430 North Salisbury Street, 6400 Mail Service Center, Raleigh, North Carolina 27603-1362.

NORTH CAROLINA’S WRITE-IN REQUIREMENTS

21. North Carolina law governs declarations of intent and petitions for write-in candidates in partisan elections. N.C. Gen. Stat. § 163-123.
22. For a statewide contest, N.C. Gen. Stat. § 163-123(c)(1) requires petitions signed by at least 500 qualified voters of the State. The signatures must be presented to the appropriate county boards for examination and certification before final filing with the State Board.
23. Plaintiff challenges none of those substantive requirements.
24. For the 2026 election cycle, the applicable county-verification deadline was July 21, 2026, and the final State Board filing deadline was August 5, 2026.
25. Plaintiff seeks only a limited opportunity to submit materials for the same verification and substantive review that would have applied had the materials been submitted before those deadlines.

FACTUAL ALLEGATIONS

26. Plaintiff was self-represented in several pending proceedings during the 2026 write-in qualification period, including matters in North Carolina state courts, the North Carolina Industrial Commission, and federal courts.
27. Between approximately July 17 and July 21, 2026, Plaintiff’s time-sensitive litigation obligations were unusually concentrated.
28. Those obligations included a Wake County Superior Court proceeding concerning the release of body-worn-camera footage in *S. Melvin v. Wake Forest Police Department*, Case No. 26CV015091–

910. A hearing occurred on July 17, 2026, and the court entered an order concerning the recording on July 21, 2026.

29. Plaintiff was also handling North Carolina Industrial Commission matter I.C. No. TA-29722, including pretrial, discovery, subpoena, witness, and evidentiary matters immediately before the July 21 deadline. That proceeding continued through a July 28, 2026 trial.
30. Plaintiff does not allege that pro se status alone excuses compliance with election law. She alleges that the unusual concentration of time-sensitive obligations materially impaired her ability to organize and initiate a statewide petition process before the applicable deadlines.
31. Plaintiff also had to navigate federal candidate-registration procedures separate from North Carolina's state-specific write-in procedure. Federal registration did not itself initiate North Carolina's petition process or place Plaintiff on the State's ballot.
32. Plaintiff received no individualized notice from Defendants identifying the July 21 county-verification deadline or the August 5 final filing deadline. Plaintiff acknowledges that the deadlines were publicly available and that candidates ordinarily bear responsibility for learning and satisfying election requirements. She alleges the absence of individualized notice only as a circumstance relevant to the burden imposed in her particular case.
33. Plaintiff has identified prospective supporters and reasonably expects to be able to collect the required signatures if permitted a brief, definite period to do so.
34. Plaintiff is prepared to begin immediately. She will use the State's prescribed forms, obtain original signatures, submit petition sheets to the appropriate county boards, and comply with ordinary verification procedures.
35. Plaintiff does not ask Defendants or the Court to count unverified signatures or treat any signature as valid without examination.
36. On August 29, 2026, Plaintiff asked the State Board for a written determination whether she could initiate and complete the process after the published deadlines without waiver of the 500-signature requirement.
37. On August 31, 2026, the State Board responded that the deadline had passed and that "there is no law or administrative provision permitting a qualified voter to initiate a write-in candidate petition after the deadline." The State Board closed Ticket No. 142181.
38. Defendants' written response confirms that Plaintiff has no available state administrative procedure through which to obtain the requested opportunity.
39. Unless relief is granted promptly, Plaintiff will permanently lose the opportunity to attempt qualification for the 2026 election. After the election, no remedy can restore that opportunity.

COUNT I

42 U.S.C. § 1983 - FIRST AND FOURTEENTH AMENDMENTS

AS-APPLIED BALLOT-ACCESS BURDEN

40. Plaintiff incorporates paragraphs 1 through 39.
41. The First and Fourteenth Amendments protect the rights of candidates and voters to associate for political purposes and to cast effective votes. *Anderson v. Celebrezze*, 460 U.S. 780, 787–89 (1983).
42. A court evaluating an election restriction must weigh the character and magnitude of the asserted injury against the State's interests and consider the extent to which those interests justify the burden imposed. *Burdick v. Takushi*, 504 U.S. 428, 434 (1992).
43. As applied to Plaintiff, Defendants' categorical refusal to permit even the initiation of the statutory process substantially burdens Plaintiff's political expression and association and prevents voters from supporting her proposed candidacy through the statutory qualification process.
44. The burden is substantial because:
 - a. Plaintiff seeks a recognized statutory avenue for candidacy rather than an unwritten or novel form of access;

- b. the refusal prevents any attempt to satisfy the 500-signature requirement;
 - c. Plaintiff seeks no waiver of signature, verification, or substantive requirements;
 - d. Plaintiff has no administrative avenue for relief; and
 - e. the injury will become irreparable once the 2026 election is conducted.
45. North Carolina has legitimate and important interests in orderly election administration, preventing voter confusion, verifying signatures, confirming candidate support, preparing election materials, and preserving election deadlines.
46. Plaintiff's proposed relief preserves those interests. It would require:
- a. a short and fixed submission period;
 - b. use of the State's existing forms and procedures;
 - c. prompt submission to the appropriate county boards;
 - d. ordinary county-level verification;
 - e. State Board review under the existing statutory standards; and
 - f. denial of qualification if Plaintiff fails to satisfy any applicable requirement.
47. The requested relief would not require Defendants to certify Plaintiff, place her name on the ballot, recognize her candidacy, or accept invalid or late-created signatures without verification.
48. On the facts alleged, categorical refusal to permit any attempt at compliance imposes a burden greater than necessary to protect the State's asserted interests, particularly where a short, supervised cure period can preserve those interests.
49. Defendants' application of the expired deadlines to Plaintiff's circumstances therefore violates the First and Fourteenth Amendments.

REQUEST FOR DECLARATORY AND PROSPECTIVE INJUNCTIVE RELIEF

50. An actual controversy exists because Plaintiff intends to seek qualification, Defendants have determined that the deadlines have expired, and Defendants have stated that no administrative provision permits Plaintiff to initiate the process.
51. Plaintiff faces immediate and irreparable harm because the 2026 election will occur before post-election relief could restore her opportunity to attempt qualification.
52. Prospective relief against state officials responsible for enforcing an unconstitutional application of state law is available under *Ex parte Young*, 209 U.S. 123, 159–60 (1908).
53. Plaintiff recognizes the State's substantial interest in avoiding disruption to election administration, particularly because absentee voting is scheduled to begin on September 4, 2026. She therefore requests relief no broader than necessary to permit a prompt attempt at compliance.
54. The balance of equities and the public interest favor preserving both orderly election administration and constitutional political participation. The proposed relief would not require Plaintiff's qualification unless she satisfies all applicable substantive requirements.

PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court:

- A. Declare that Defendants' categorical refusal to accept and process Plaintiff's materials solely because the ordinary submission deadlines have expired, without permitting a brief opportunity to attempt compliance under the circumstances alleged, violates the First and Fourteenth Amendments as applied to Plaintiff;
- B. Temporarily restrain and preliminarily enjoin Defendants from refusing to accept Plaintiff's declaration and petition materials solely on the ground that the ordinary submission dates have expired;
- C. Establish a short, definite cure period - proposed as seven calendar days, or such shorter period as the Court determines is administratively workable;

- D. Permit Plaintiff during that period to submit the required declaration of intent and petition materials using the State's prescribed forms;
- E. Direct Defendants to transmit or otherwise provide instructions necessary for the appropriate county boards to receive and perform their ordinary verification functions on materials submitted during the cure period;
- F. Direct Defendants to process the materials under the existing statutory standards;
- G. Provide that Plaintiff will qualify only if she satisfies all applicable substantive requirements, including the requirement of at least 500 valid signatures;
- H. Provide that failure to satisfy any applicable requirement will result in denial of qualification and will not require recognition of Plaintiff as a write-in candidate;
- I. Order expedited consideration sufficient to preserve meaningful relief before further election-administration deadlines render relief impracticable; and
- J. Grant such other prospective relief as the Court deems just and proper.

Respectfully submitted this 31st day of August 2026.

Signature: _____

SHAUNESI YVETTE DeBERRY

a/k/a Shaunesi Yvette Melvin

Plaintiff, Pro Se

2631 Housley Rd. #1116

Annapolis, Maryland 21406

Telephone: 240-355-8012

Email: bookshaunesi@gmail.com

VERIFICATION UNDER 28 U.S.C. § 1746

I, Shaunesi Yvette DeBerry, also known as Shaunesi Yvette Melvin, declare under penalty of perjury that the factual allegations in this Complaint based on my personal knowledge are true and correct.

Allegations concerning court, governmental, election, or other records are true and correct to the best of my knowledge after reviewing those records. I understand that I do not presently possess 500 signed and verified petition signatures and that I am not presently a North Carolina resident. I intend to establish North Carolina residency no later than November 3, 2026, and understand that any relief granted would still require me to satisfy all constitutionally permissible substantive qualifications and obtain and submit the required petition signatures within the period ordered by the Court.

Executed on: August 31, 2026

Signature: _____

SHAUNESI YVETTE DeBERRY

a/k/a Shaunesi Yvette Melvin