

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-1979

AMANDA MINGO, as guardian ad litem for J.H., a minor; W. DANIEL GRIST, as
guardian ad litem for J.H., a minor; and YASMEEN MURRAY-HYMAN,

Plaintiffs – Appellees,

v.

CITY OF DURHAM,

Defendant – Appellant,

and

NATIONAL RAILROAD PASSENGER CORPORATION, d/b/a AMTRAK;
NORFOLK SOUTHERN RAILWAY COMPANY; ANDRE CHAMBERS; and
NORTH CAROLINA RAILROAD COMPANY,

Defendants.

Appeal from the United States District Court for the Middle District of North Carolina, at
Greensboro. Catherine C. Eagles, District Judge. (1:20-cv-00226-CCE-JLW)

Argued: December 7, 2022

Decided: December 14, 2022

Before KING and RICHARDSON, Circuit Judges, and KEENAN, Senior Circuit Judge.

Affirmed by unpublished order. Judge King directed entry of the order, with the
concurrences of Judge Richardson and Senior Judge Keenan.

ARGUED: Brian Lee Church, ROBINSON, BRADSHAW & HINSON, P.A., Charlotte, North Carolina, for Appellant. William D. Acton, Jr., Fred William Devore, III, DEVORE, ACTON & STAFFORD, Charlotte, North Carolina, for Appellees. **ON BRIEF:** Matthew W. Sawchak, Caroline H. Reinwald, ROBINSON, BRADSHAW & HINSON, P.A., Raleigh, North Carolina; Natalia K. Isenberg, Jacob H. Wellman, TEAGUE, CAMPBELL, DENNIS & GORHAM, LLP, Raleigh, North Carolina, for Appellant.

ORDER

Having carefully assessed the record on appeal, including the briefs and the oral argument of counsel, we are satisfied to affirm the challenged ruling of the district court, entered on July 2, 2021, denying the claim of North Carolina governmental immunity interposed in these proceedings by the City of Durham. *See Mingo v. Nat'l R.R. Passenger Corp.*, No. 1:20-cv-00226 (M.D.N.C. July 2, 2021), ECF No. 56.

Entered at the direction of Judge King, with the concurrences of Judge Richardson and Judge Keenan.

FOR THE COURT

/s/Patricia S. Connor
Clerk