

NO. 26-1663

United States Court of Appeals
for the
Fourth Circuit

STEVEN BOLCH, *et al.*,*Plaintiffs-Appellants,*

— v. —

JOSH STEIN, *et al.*,*Defendants-Appellees.*

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LAW CENTER; AMERICAN CIVIL LIBERTIES UNION OF NORTH
CAROLINA LEGAL FOUNDATION; YOUTH LAW CENTER,

Amici Supporting Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA AT CHARLOTTE
IN NO. 3:24-CV-00783-MEO-DCK

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INTRODUCTION

This case presents a familiar danger this Court has warned against for over two decades: near-strangers claiming to act on behalf of vulnerable individuals with whom they have little to no relationship, seeking to use the federal courts as a vehicle for policy reform rather than the vindication of any particular person's rights. In *Hamdi v. Rumsfeld*, 294 F.3d 598, 605 (4th Cir. 2002), this Court held a proposed next friend must demonstrate a “significant relationship” with the real party in interest—a jurisdictional prerequisite rooted in Article III’s case or controversy requirement. Without such a requirement, federal courts would be overrun by “intruders or uninvited meddlers, styling themselves next friends,” *Whitmore v. Arkansas*, 495 U.S. 149, 164 (1990), pursuing “the vindication of objectives better suited to political than judicial resolution,” *Hamdi*, 294 F.3d at 606. Indeed, this Court made clear that granting “a supposed next friend access to federal court in the absence of” a “significant relationship” would “open[] the floodgates of federal litigation” to the very interlopers the Supreme Court cautioned against. *Hamdi*, 294 F.3d at 605 (cleaned up). That is precisely what has happened here.

A Better Childhood, a New York City-based advocacy organization, recruited eight individuals to serve as “next friends” for thirteen foster children residing across eight different North Carolina counties¹. Some of these purported next friends are complete strangers to the children. (JA51, 54, 55-56, 59, 64, 80; ¶¶ 28, 42, 97, 187). Others had prior contact that has since ended. (JA47, 69, 75-76; ¶¶ 11, 121, 162). Critically, some of the children already have grandparents, aunts and uncles who could have served as next friends, but were passed over in favor of advocacy-organization affiliates. (JA 64-66; ¶¶ 100-103, 107-108). Defendants do not doubt the sincerity of these individuals. But, as this Court made clear in *Hamdi*, sincerity is not the measure of next friend standing. 294 F.3d at 606. The district court correctly recognized this case for what it is: an attempt to “circumvent the jurisdictional limits of Art. III simply by assuming the mantle of ‘next friend.’” *Whitmore*, 495 U.S. at 164.

The district court’s dismissal should be affirmed for three reasons. *First*, this Court’s decision in *Hamdi* establishes that the significant-relationship requirement is jurisdictional—not limited to habeas corpus

¹ The minor Plaintiffs are from eight counties, but only seven counties are named defendants. Alleghany County is not a named defendant.

petitions, but applicable whenever one party purports to litigate on behalf of another in federal court. The policy rationale—screening out those who would use another’s injury as “an occasion for entry into policy-laden proceedings of all sorts,” *Hamdi*, 294 F.3d at 605—applies with particular force to systemic reform litigation targeting state child welfare systems. *Second*, even if *Hamdi* reserved judgment for a “different case” involving a party with “no significant relationships,” that narrow exception does not apply here. Many of the minor Plaintiffs here have relatives or other individuals actively involved in their lives. (*See, e.g.*, JA65, 68; ¶¶ 101, 116). Plaintiffs cannot manufacture a lack of significant relationships by choosing strangers over available relatives, family friends, current and former foster parents, and other adults with genuine connections to the children. (JA51–52, 73; ¶¶ 31–33, 149). *Third*, once the district court determined it lacked subject matter jurisdiction, dismissal without prejudice was the only appropriate remedy. A court cannot simultaneously lack jurisdiction and exercise it. The minor Plaintiffs remained free to refile their lawsuit with proper next friends but chose not to do so.

JURISDICTIONAL STATEMENT

Defendants stipulate to the Statement of Jurisdiction filed by Plaintiffs in this matter. (Doc. 42 at 15).

This Court has jurisdiction over all issues raised by Plaintiffs under 28 U.S.C. § 1291, as the Judgment of the district court is a final judgment.

STATEMENT OF THE ISSUES

In addition to the Statement of the Issues identified by Plaintiffs, Defendants identify the following:

1. Whether the district court correctly applied *Hamdi v. Rumsfeld*, 294 F.3d 598 (4th Cir. 2002), in requiring next friends to demonstrate a “significant relationship” with the minor Plaintiffs.
2. Whether the *Hamdi* court’s reservation of judgment for “a different case” in which plaintiffs have no significant relationship applies where some minor Plaintiffs have significant relationships with adults not named as next friends.
3. Whether the district court properly dismissed this action without prejudice upon determining it lacked subject matter jurisdiction.

STATEMENT OF THE CASE

I. Factual History

Plaintiffs brought this putative class action under 42 U.S.C. § 1983, the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C. § 670 *et seq.*), the Americans with Disabilities and Rehabilitation Act (42 U.S.C. § 12132), Section 504 of the Rehabilitation Act (29 U.S.C. § 794), and North Carolina Social Services law alleging systemic deficiencies in North Carolina’s foster care system. (JA43–141). The Amended Complaint names thirteen minor children in foster care in eight North Carolina counties as Plaintiffs, each appearing through one of eight purported next friends. (JA43–JA55). The Amended Complaint asserts claims on behalf of the Plaintiffs and a putative class of approximately 11,000 children in the custody of North Carolina county departments of social services. (JA87; ¶ 221).

The Amended Complaint names state officials, a state agency, and seven county governments and their departments of social services as Defendants. (JA82–JA86). The State Defendants—Governor Josh Stein, the North Carolina Department of Health and Human Services (“DHHS”), DHHS Director Devdutta Sangvai, Assistant Secretary

Michael Leighs, and Division of Health Service Regulation (“DHSR”) Director Mark Payne—are sued in their official capacities for their alleged failure to supervise the county-administered child welfare system. (JA82–JA83). The County Defendants—Mecklenburg County, Gaston County, Davidson County, Harnett County, Randolph County, Rockingham County, and Johnston County—are sued for their alleged failures in administering the foster care system within their respective jurisdictions. (JA84–JA86).

The district court sorted the eight next friends into two categories: (1) those who merely “acquainted themselves with the allegations regarding the minor Plaintiffs they appear as next friends for” and (2) the “closest calls.” (JA7–8). Starting with the latter, the district court identified three next friends as the “closest calls”—Steven Bolch, Anne Richey, and Jackson Albert—because they had once fostered or been members of the foster families of the children they now seek to represent. (JA7). Bolch fostered Jameson C. for 18 months in Gaston County, but no longer resides with him and has not for years. (JA47). Richey fostered Sylvia T. in Randolph County from September 2023 to March 2024, but no longer has contact. (JA69). Albert grew close to

Rene S. while she was placed in his parents' home in Rockingham County and considers himself her older brother. (JA75). However, for even these "closest calls," the "Amended Complaint does not elaborate on their present-day relationships." (JA8).

The district court held the remaining five next friends, likewise, lacked significant relationships with the named Plaintiffs. The district court found it "unclear whether Daria Barazandeh, Veronika Monteleone, Kari Danforth, and Kimberly Crothers have met or communicated with the minor Plaintiffs they appear as next friends for." (JA7–8). Barazandeh—next friend for Johnston County children Megan S. and Chloe S.—is described only as having "spent over a decade as a foster parent, adoptive parent, and foster parent advocate" and having "acquainted herself with the allegations in the Complaint." (JA3). The Amended Complaint does not contain any allegation that she ever fostered, lived with, met, or communicated with Megan or Chloe². *Id.* Monteleone—a Charlotte public defender serving as next friend for three Mecklenburg County children—similarly "has acquainted herself

² The first names of the Plaintiff children and any other minors mentioned in the Amended Complaint are pseudonyms. (JA43).

with the allegations” but has no alleged personal relationship with Annie W., Justin B., or Morgan G. (JA3–4). Danforth serves as next friend for three Alleghany County children³—Sara M., Leah M., and Harry M.—yet has no connection to them. (JA3, JA64). Crothers—next friend for Alice B. of Harnett County—is a former foster child who has “encouraged Alice to stay positive,” but the Amended Complaint does not allege she has any custodial, familial, or ongoing personal connection to Alice. (JA80). The employees of the Harnett County Department of Social Services do not know Ms. Crothers and have not worked with her on Alice B’s case. (D.E. 109, ¶ 187). Finally, although DeWald—next friend for Ava J. of Davidson County—“served as a respite placement for [Ava]” (a placement that is generally only short term), DeWald terminated her foster license and does not currently foster or reside with Ava. (JA73).

Moreover, the district court observed that “at least some” of the minor Plaintiffs appear to have significant relationships with adults who are *not* named as next friends. (JA8.) By way of example, the

³ The Amended Complaint states they are “siblings from Alleghany County” (¶ 97); however, Alleghany County is not a named defendant.

district court noted that Sara M., Leah M., and Harry M. have grandparents who are “involved in their lives.” *Id.* The Amended Complaint alleges they have maternal grandparents who have “expressed their desire to adopt” them and an aunt and uncle who cared for them for months. (JA68). This demonstrates that the minor Plaintiffs are not the isolated, relationship-less individuals for whom *Hamdi*’s hypothetical exception might apply. Instead, Plaintiffs’ counsel strategically chose advocacy affiliates over adults with connections to these children.

II. Procedural History

Plaintiffs filed their original putative Class Action Complaint on August 27, 2024, JA27, and filed an Amended Class Action Complaint on November 22, 2024. (JA43). Defendants filed motions to dismiss under Rule 12(b)(1) “because the next friends cannot bring suit on their behalf.” (JA7).⁴

⁴ Defendants each raised various grounds for dismissal under Rules 12(b)(1), 12(b)(2), and/or 12(b)(6). Because the district court granted the motion to dismiss under Rule 12(b)(1) on the next friend standing issue, it did not address the other bases for dismissal.

On September 25, 2025, United States District Court Judge Frank D. Whitney granted all motions to dismiss under Rule 12(b)(1) for lack of subject matter jurisdiction. (JA2–JA10). Judge Whitney held the next friends did not satisfy the significant relationship prerequisite for next friend standing under *Hamdi* and dismissed the Complaint *without* prejudice. (JA5-JA9, JA10).

On October 13, 2025, Plaintiffs filed a Motion for Reconsideration under Rule 59(e). (JA40). Following reassignment of the case to United States District Judge Matthew E. Orso, Judge Orso denied the Motion for Reconsideration on April 21, 2026. (JA11–JA17). The district court concluded that it “did not clearly err in its application of *Hamdi*” and “Plaintiffs magnify the Fourth Circuit’s ‘different case’ language in their motion, equate the dicta to a holding, and attempt to reargue this point already asserted in Plaintiffs’ opposition to defendants’ motions to dismiss.” (JA16).

Plaintiffs filed their Notice of Appeal on May 20, 2026. (JA142).

SUMMARY OF ARGUMENT

For the reasons set forth below, the district court’s dismissal for lack of subject matter jurisdiction should be affirmed. *First*, this Court’s

decision in *Hamdi* requires next friends to demonstrate a “significant relationship” with the real party in interest, which is a jurisdictional prerequisite that applies in the Rule 17 context. *Second*, although *Hamdi* reserved judgment for a party with “no significant relationships,” any such exception is inapplicable where, as here, the record shows available family members—including grandparents, aunts, and uncles—who could have served as next friends for at least some of the named Plaintiffs. *Third*, once the district court determined it lacked subject matter jurisdiction, dismissal without prejudice was the only appropriate remedy. Plaintiffs’ proposed procedural framework cannot vest jurisdiction where Article III denies it.

ARGUMENT

I. Standard of Review

This Court reviews *de novo* a district court’s dismissal for lack of standing. *See Bishop v. Bartlett*, 575 F.3d 419, 423 (4th Cir. 2009). Here, because Plaintiffs filed a Rule 59(e) Motion for Reconsideration, the ruling on that motion “merges with the prior ruling of the judgment so as to constitute a single judgment” and this Court reviews that “one judgment” and “addresses any attack on the Rule 59(e) ruling as part of

its review of the underlying decision.” *Daulatzai v. Maryland*, 97 F.4th 166, 178 (4th Cir. 2024) (cleaned up)).

II. The District Court Correctly Applied the Significant Relationship Requirement Under Rule 17.

The district court correctly held that next friends seeking to represent minor Plaintiffs must demonstrate a “significant relationship” with the real party in interest. (JA5–7). This requirement derives from *Hamdi v. Rumsfeld*, 294 F.3d 598 (4th Cir. 2002), which is binding Fourth Circuit precedent. Plaintiffs’ attempt to limit *Hamdi* to habeas corpus proceedings ignores the policy rationale underlying the requirement and this Court’s articulation of the rule.

A. *Hamdi*’s Significant Relationship Requirement Is Binding Fourth Circuit Precedent.

In *Hamdi*, this Court considered the prerequisites for next friend standing and held that a proposed next friend must demonstrate some significant relationship with the real party in interest, as opposed to “someone who seeks simply to gain attention by injecting himself into a high-profile case[.]” 294 F.3d at 605. The Court grounded this requirement in the Supreme Court’s admonition in *Whitmore* that next friend standing exists to protect the rights of the real party in interest—

not to provide a vehicle for “intruders or uninvited meddlers” to advance their own agendas. 495 U.S. at 164 (citation omitted).

Plaintiffs argue *Hamdi*’s significant relationship requirement should be limited to habeas corpus cases and does not apply in the Rule 17 context. (Doc. 42 at 25–30). This argument fails for several reasons.

First, although *Hamdi* arose in the habeas context, this Court’s rationale was not limited to habeas. The Court articulated a general principle about next friend standing rooted in constitutional standing requirements. Specifically, the Court held a proposed next friend must show “some significant relationship with the real party in interest[,]” as “[o]ne with no significant relationship, by contrast, is much more likely to be utilizing the real party’s injury as an occasion for entry into policy-laden proceedings of all sorts.” 294 F.3d at 604–05. Thus, the plain language of *Hamdi* applies broadly to all cases in which a next friend seeks to litigate on behalf of a real party in interest.

Second, the policy rationale for the significant-relationship requirement—screening out “those with strong views” who “seek in federal court what they could not otherwise obtain—namely, the vindication of objectives better suited to political than judicial

resolution”—applies with equal force in the Rule 17 context. *Hamdi*, 294 F.3d at 606. Indeed, this case is a model example of the danger *Hamdi* identified: an advocacy organization and its chosen next friends seeking systemic reform of a state’s foster care system through minor Plaintiffs with whom they have little or no personal connection.

Third, the question of next friend standing is “not merely ‘technical’ . . . Rather, it is jurisdictional and thus fundamental.” *Hamdi*, 294 F.3d at 607. Jurisdictional requirements do not vary based on the procedural vehicle through which a claim is brought. As the Supreme Court emphasized in *Whitmore*, next friend standing implicates Article III’s case or controversy requirement. 495 U.S. at 154–56, 163–64 (“Indeed, if there were no restriction on ‘next friend’ standing in federal courts, the litigant asserting only a generalized interest in constitutional governance could circumvent the jurisdictional limits of Art. III simply by assuming the mantle of ‘next friend.’”).

The district court correctly applied the significant relationship requirement to this Rule 17 proceeding, as demonstrated below.

B. The Purported Next Friends Are Effectively Strangers to the Children They Claim to Represent.

Applying *Hamdi*'s significant relationship requirement, the district court correctly concluded none of the eight purported next friends satisfied this Court's requirements for next friend standing. (JA5–JA8). The district court divided the next friends into two groups, neither of which have standing. (JA7–8).

The district court's findings regarding five of the next friends are particularly telling. For Barazandeh, Monteleone, Danforth, and Crothers, it was “unclear whether [they] have met or communicated with the minor Plaintiffs they appear as next friends for.” (JA7–8). In other words, there is nothing in the record to show that these individuals are *not* complete strangers to the children whose rights they presume to assert. What the Amended Complaint alleges about each of them is revealing—not for what it says, but for what it omits:

- Barazandeh (purported next friend for Johnston County children Megan S. and Chloe S.) touts her experience “over a decade as a foster parent, adoptive parent, and foster parent advocate” and claims she “has acquainted herself with the allegations in the Complaint.” (JA51). But notably absent from the Amended Complaint is any allegation that Barazandeh has ever fostered, lived with, met, or even spoke with Megan or Chloe. She is, by all appearances, a stranger.

- Monteleone (purported next friend for Mecklenburg County children Annie W., Justin B., and Morgan G.) is a Charlotte public defender who has “spent nearly a decade representing children in court” and “has acquainted herself with the allegations in the Complaint.” (JA54–JA55, JA59). Yet the Amended Complaint is silent on whether Monteleone has any personal relationship with Annie, Justin, or Morgan. Professional experience with foster children generally does not create a relationship with these particular foster children.
- Danforth (purported next friend for Sara M., Leah M., and Harry M.) fostered ten children in North Carolina—but none of them were the children she now claims to represent. (JA8, JA64). The district court aptly described her as “seemingly a stranger[.]” (JA8). Meanwhile, these three children have grandparents “involved in their lives” and an aunt and uncle who cared for them for months. (JA8, JA66, ¶ 110). Plaintiffs’ counsel bypassed these obvious candidates in favor of someone with no connection to the children.
- Crothers (purported next friend for Harnett County child Alice B.) is a former foster child who claims she “knows first-hand the experiences that Alice is going through” and has “encouraged Alice to stay positive and persevere” “throughout Alice’s time in foster care.” (JA80). But even accepting these allegations, the Amended Complaint does not allege any custodial, familial, or ongoing personal relationship—only shared life experience and words of encouragement, which may or may not have even been delivered in person. Further, the employees of the Harnett County Department of Social Services do not know Ms. Crothers and have not worked with her on Alice B’s case. (D.E. 109, ¶ 187).
- DeWald (purported next friend for Davidson County child Ava J.) once “served as a respite placement” for Ava. (JA73). DeWald terminated her foster license and does not currently foster or reside with Ava.

These five individuals may have experience with the foster care system and a genuine commitment to generally improving outcomes for foster children. But commitment to a cause—however laudable—is not the same as a relationship with a particular child. *Hamdi* and *Whitmore* drew this distinction for good reason: federal courts must ensure that those who litigate on behalf of minors have a stake in the welfare of *those specific children*, not merely in systemic reform that might or might not ultimately benefit the children. An advocate who has merely acquainted herself with allegations has not thereby established a significant relationship with the children named in the Complaint. 495 U.S. at 164.

The three remaining next friends—the so-called “closest calls” of Bolch (Gaston County), Richey (Randolph County), and Albert (Rockingham County)—fare marginally better. (JA7–8). Each had *prior* foster or household connections: Bolch fostered Jameson C. for 18 months, Richey fostered Sylvia T. for six months, and Albert lived with Rene S. while she was placed in his parents’ home. (JA47, JA69, JA75–76). But the key word is *prior*. None of these children still resides with the proposed next friend, and the Amended Complaint “does not elaborate on their present-day relationships.” (JA8). The district court’s

determination that even these closer calls fell short of the jurisdictional threshold was proper.

In sum, not one of the eight purported next friends demonstrates the “significant relationship” that *Hamdi* requires. Whether the proposed next friend is a complete stranger who has never met the child, an advocate who “acquainted herself” with allegations in a complaint, or a former foster parent whose connection has since lapsed, the result is the same: these individuals are next friends in name only. The burden of establishing standing rests on the party invoking federal jurisdiction, and Plaintiffs failed to carry that burden as to any of the minor Plaintiffs. *See Whitmore*, 495 U.S. at 164 (“The burden is on the ‘next friend’ clearly to establish the propriety of his status and thereby justify the jurisdiction of the court.”)

C. The Significant Relationship Requirement Applies With Equal Force to Foster Children.

Plaintiffs suggest that because *Whitmore* and *Hamdi* arose in habeas proceedings, their requirements for next friend standing do not apply to children in foster care. (Doc. 42 at 48–52). However, this argument mistakes the type of case involved for the legal principle established. The significant relationship requirement is rooted in Article

III’s case or controversy requirement—a constitutional limitation that applies in every federal case, regardless of procedural vehicle. *See, e.g., Pub. Int. Legal Found., Inc. v. Wooten*, 164 F.4th 362, 365 (4th Cir. 2026) (“[I]f a plaintiff lacks Article III standing, the federal court does not have jurisdiction and the case must be dismissed.”); *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 576 (1992) (“But there is absolutely no basis for making the Article III inquiry turn on the source of the asserted right.”)

Far from being inapplicable, the requirement applies with *greater* force to foster children, who—unlike adult detainees—cannot file *pro se* lawsuits, direct litigation strategy, or object when a stranger purports to represent them.

i. Plaintiffs’ Distinctions Are Legally Irrelevant.

Plaintiffs advance five distinctions between habeas next friend practice and Rule 17(c) representation. (Doc. 42 at 48–52). However, none of these distinctions undermines the applicability of the significant relationship requirement here.

First, Plaintiffs observe that *Whitmore* traced next friend practice to the Habeas Corpus Act of 1679. (Doc. 42 at 48). While true, that passage addressed *historical origins*—not constitutional scope. 495 U.S.

at 162. The Supreme Court’s discussion of the 1679 Act was merely descriptive; it explained where the practice came from, not where the constitutional limits lie. *Id.* The Supreme Court then held “the scope of any federal doctrine of ‘next friend’ standing is no broader than what is permitted by the habeas corpus statute, which codified the historical practice.” 495 U.S. at 164. This holding forecloses any argument that a broader equitable or common law conception of next friend standing exists in federal court. Notably, Whitmore himself was not seeking habeas relief—he sought to “intervene in a state-court proceeding to appeal [another individual’s] conviction and death sentence.” *Id.* Yet the Supreme Court applied the same requirements, grounding them in Article III: “if there were no restriction on ‘next friend’ standing in federal courts, the litigant asserting only a generalized interest in constitutional governance could circumvent the jurisdictional limits of Art. III simply by assuming the mantle of ‘next friend.’” *Id.* This constitutional rationale applies whenever a party seeks to litigate on behalf of another in federal court—whether through habeas corpus, Rule 17, or any other procedural vehicle. *See Lujan*, 504 U.S. at 560 (explaining Article III’s case or

controversy requirement “is imposed directly by the Constitution” and applies uniformly across all federal proceedings).

Second, Plaintiffs contend habeas and Rule 17(c) next friend representation “descend from different sources, serve different functions, and protect different interests.” (Doc. 42 at 48). This contention ignores the doctrines’ common constitutional foundation. The next friend doctrine exists because “[a] person who does not satisfy Article III’s standing requirements may still proceed in federal court if he meets the criteria to serve as next friend of someone who does.” *Hamdi*, 294 F.3d at 603. In both habeas and Rule 17 contexts, a federal court must permit one person to litigate on behalf of another who cannot appear independently—and in both, Article III demands assurance that the surrogate has a genuine stake in the real party’s welfare. The significant relationship requirement “goes a long way towards ensuring the existence of ‘such a personal stake’ in next friend standing cases” because “[o]ne who has some significant relationship with the real party in interest is much more likely to experience the real party’s injury in fact in a personal way.” *Id.* at 605. By contrast, “[o]ne with no significant relationship . . . is much more likely to be utilizing the real party’s injury

as an occasion for entry into policy-laden proceedings of all sorts.” *Id.* That concern applies with equal force whether a stranger seeks to file a habeas petition or to serve as next friend under Rule 17.

Third, Plaintiffs emphasize habeas is “an extraordinary form of federal intervention into state proceedings,” whereas Rule 17(c) is “a trans-substantive procedural rule derived from equity.” (Doc. 42 at 49). However, the significant relationship requirement exists to ensure the next friend has a genuine stake in the real party’s welfare—a concern that applies regardless of procedural context. Indeed, the requirement is *more* critical in systemic reform litigation, where organizational Plaintiffs risk treating individual children as vehicles for policy objectives rather than as persons with distinct legal interests. Unlike adult habeas petitioners, foster children cannot object when strangers purport to represent them, file complaints in their names, or direct litigation strategy on their behalf.

Fourth, Plaintiffs argue habeas jurisdiction is “statutory and tightly cabined,” while Rule 17 “does not create or withdraw jurisdiction.” (Doc. 42 at 49–50). But *Hamdi* grounded the significant relationship requirement in Article III, not in the habeas statute: “The question of

next friend standing is not merely ‘technical’ Rather, it is jurisdictional and thus fundamental.” 294 F.3d at 607. Article III’s standing requirements are constitutional limitations that apply in every federal case. *See, e.g., Spokeo, Inc. v. Robins*, 578 U.S. 330, 337–39 (2016).

Fifth, Plaintiffs assert the “habeas doctrine cannot govern a context where habeas itself is unavailable.” (Doc. 42 at 50). But this assertion again confuses the procedural remedy with the constitutional principle. The significant relationship requirement does not derive from the habeas statute—it derives from Article III’s demand that any surrogate litigating on behalf of another have a genuine stake in that person’s welfare. *See Whitmore*, 495 U.S. at 163–64. The Fourth Circuit’s reasoning in *Hamdi* reinforces this point: the next friend doctrine merely “finds statutory expression in 28 U.S.C. § 2242,” as opposed to statutory authority—language confirming the statute gives voice to a pre-existing doctrine rooted in Article III rather than creating or conferring it. 294 F.3d at 603.

ii. *Hamdi* and *Whitmore* Articulated Constitutional Principles, Not Habeas-Specific Rules.

Hamdi did not establish a bright-line rule limited to habeas cases. Instead, this Court articulated a general principle about Article III

standing. “Next friend standing doctrine provides a limited avenue into federal court for someone who does not meet Article III’s standing requirements.” 294 F.3d at 606. This principle is not limited to habeas litigation—it applies to any federal proceeding in which one party purports to litigate on behalf of another.

The *Hamdi* court’s reasoning confirms this reading. Without the significant relationship requirement, federal courts would become a forum for “those with strong views” seeking “the vindication of objectives better suited to political than judicial resolution.” 294 F.3d at 606. The *Hamdi* court’s concern applies with particular force to systemic reform litigation targeting state child welfare systems that seek to reshape public policy rather than vindicate any individual child’s discrete legal rights.

Whitmore reinforces this conclusion. The Supreme Court warned against “intruders or uninvited meddlers, styling themselves next friends[,]” and expressed concern about litigants “asserting only a generalized interest in constitutional governance” who “could circumvent the jurisdictional limits of Art. III simply by assuming the mantle of ‘next friend.’” 495 U.S. at 164. The Court’s admonitions are statements about

Article III’s foundational requirements—requirements that preserve the separation of powers and ensure federal courts adjudicate concrete disputes rather than abstract policy disagreements. *See id.* at 161.

Notably, *Whitmore* itself acknowledged next friend practice extends beyond habeas, observing that “[s]ome courts have permitted ‘next friends’ to prosecute actions outside the habeas corpus context on behalf of infants, other minors, and adult mental incompetents.” 495 U.S. at 163 n.4. The Supreme Court defined the limitations on next friend standing in general terms precisely because those limitations serve constitutional purposes, which transcend any single procedural context.

iii. The Record Confirms the Necessity of the Significant Relationship Requirement.

The present case illustrates the danger identified in *Whitmore* and *Hamdi*. A Better Childhood—a New York City-based advocacy organization—recruited individuals with no or minimal personal connection to specific North Carolina children to serve as next friends in systemic reform litigation. (JA43–JA80). The next friends claim to be “familiar with North Carolina’s foster care system” and “dedicated to [the children’s] best interests” in a generalized sense. (JA54, JA64, JA73, JA80). Such claims reflect the “generalized interest in constitutional

governance” that *Whitmore* warned about—an interest in reforming a government system, not a personal stake in the welfare of an identifiable child. 495 U.S. at 163–64.

The district court recognized this deficiency, finding certain next friends’ “knowledge about the foster care system and motivation to improve it” actually *supported* the conclusion that they lacked a significant relationship with the children. (JA9). As *Hamdi* explained: “One with no significant relationship . . . is much more likely to be utilizing the real party’s injury as an occasion for entry into policy-laden proceedings of all sorts.” 294 F.3d at 605.

As detailed above, some next friends may never have met the children they purport to represent, making them “seemingly [] stranger[s]” to the children they represent. (*See, e.g.*, JA7–8). If a next friend has never even met the child, one cannot conclude she is “truly dedicated to the best interests” of that specific child. *See Whitmore*, 495 U.S. at 163.

Perhaps most telling about the next friends’ lack of a personal relationship with the minor Plaintiffs is the choice of advocacy affiliates over available family members. As the record shows, some children have

grandparents, aunts, and uncles who could have served as next friends but were passed over. (JA64–68). The cherry-picking of next friends reveals the organizational mission driving this litigation—not genuine concern for any particular child’s welfare.

In sum, Plaintiffs’ attempt to limit the significant relationship requirement to habeas proceedings fails because it confuses procedural origin with constitutional substance. *Hamdi* and *Whitmore* articulated principles rooted in Article III, not solely in the habeas statutory framework. The next friend principles apply with *greater* force in the foster care context, where the real parties in interest are children who cannot evaluate, direct, or object to litigation purportedly brought on their behalf. The district court correctly applied this requirement, and its judgment should be affirmed.

III. There Is No Established “Exception” For a Lack of Significant Relationships and Such Exception Would Not Apply Here.

Plaintiffs argue that, even if *Hamdi*’s significant relationship requirement applies, this is the “different case” that *Hamdi* reserved—one involving foster children who “have no significant, present-day,

conflict-free relationships with adults to petition on their behalf.” (Doc. 42 at 57).

As a threshold matter, *Hamdi* expressly did not decide whether a “different case” would require a different result. In *Hamdi*, this Court observed: “We do not have here the situation of someone who has no significant relationships. If we did, this *might* be a different case.” 294 F.3d at 606 (emphasis added).

Plaintiffs’ argument fails on both the facts and the law. As a threshold matter, Plaintiffs’ formulation also adds requirements not even contemplated by *Hamdi* or *Whitmore*. While the *Hamdi* speculated that a party with “no significant relationships . . . might” present a different case, it made no suggestion that such a party must also lack significant, “conflict-free” relationships or must show that no other individual is “able to petition on their behalf.” In *Whitmore*, the Supreme Court identified only two firmly rooted prerequisites for next friend standing: (1) “an adequate explanation . . . why the real party in interest cannot appear on his own behalf[,]” and (2) that the next friend “be truly dedicated to the best interests of the person on whose behalf he seeks to litigate.” 495 U.S. at 163. The *Whitmore* court merely “suggested” that a next friend “must

have some significant relationship with the real party in interest,” citing a single district court decision from the Northern District of Georgia. *Id.* at 163–64. In *Hamdi*, this Court adopted that suggestion as an “important requirement,” but it did not impose any conflict-free standard or requirement that other potential representatives be unavailable. 294 F.3d at 604–06. Plaintiffs’ multi-factor test—demanding relationships that are simultaneously significant, conflict-free, and held by adults able and willing to petition—is a judicial invention with no support in binding precedent.

A. The Minor Plaintiffs Are Not Without Significant Relationships.

The premise of Plaintiffs’ argument—that the minor Plaintiffs lack any significant relationships with anyone—is not supported by the record. As discussed above, some children have grandparents “involved in their lives” and other family members who could have served as next friends. (JA8, JA64–68, JA72). This factual finding undermines the entire foundation of Plaintiffs’ “different case” argument. With respect to other named Plaintiffs, such as Megan S. and Chloe S. (Johnston County), the Amended Complaint does not even allege the plaintiffs lack any significant relationships. (JA51–53). The absence of a proposed next

friend with such a relationship does not mean that no such person exists. Plaintiffs chose to present Barazandeh—a person with no connection to these children—rather than seeking out individuals who actually know and care for Megan S. and Chloe S.

The fact that children are in foster care does not automatically mean they do not have significant relationships with relatives or close family friends. Foster parents, relatives, teachers, counselors, guardians ad litem, and other adults regularly maintain significant relationships with children in foster care. The Amended Complaint fails to demonstrate that the minor Plaintiffs lack such connections. The minor Plaintiffs are not the isolated, completely disconnected individuals that *Hamdi*'s hypothetical “different case” contemplated. Rather, they are children (i.e. Sara M., Leah M., Harry M.) with existing family connections that Plaintiffs’ attorneys chose not to utilize.

This Court’s reasoning in *Hamdi* is particularly instructive. In that case, a federal public defender and a private citizen from New Jersey—neither of whom had ever met or communicated with the detainee—filed habeas petitions as his “next friend.” 294 F.3d at 601, 604. The Court observed that their complete lack of connection to Hamdi “stands in stark

contrast to the close familial connection that was right around the corner”—namely, Hamdi’s father, who was ready and willing to file on his son’s behalf. *Id.* at 606. Indeed, “[a] next friend with close familial ties brings an action far closer to the rubric of a traditional lawsuit than the prospect of attorneys and private citizens venturing into federal court from across the street.” *Id.* at 606–07. The Court emphasized: “We are not saying that an attorney can never possess next friend standing, or that only the closest relative can serve as next friend. We simply note the contrast here between the Public Defender and Peregrim’s suits on the one hand, and the action of the detainee’s father on the other.” *Id.* at 607. That same contrast exists here: A Better Childhood recruited advocacy-organization affiliates to serve as next friends while ignoring or failing to seek out available family members—grandparents, aunts, and uncles—and current foster parents, guardians ad litem, and other adults who have connections with the children.

B. The *Hamdi* Dicta Is Not a Holding and Does Not Compel a New Exception.

Even setting aside the factual deficiencies in Plaintiffs’ argument, the “different case” language in *Hamdi* is dicta—not a holding. The Fourth Circuit defines “dictum” as a “statement in a judicial opinion that

could have been deleted without seriously impairing the analytical foundations of the holding—that, being peripheral, may not have received the full and careful consideration of the court that uttered it.” *Pittston Co. v. United States*, 199 F.3d 694, 703 (4th Cir. 1999) (quoting *United States v. Crawley*, 837 F.2d 291, 292 (7th Cir. 1988)); *see also* *Payne v. Taslimi*, 998 F.3d 648, 654–55 (4th Cir. 2021) (same). As *Payne* explained, “[i]f necessary to the outcome, a precedent’s reasoning must be followed; otherwise, we are not so bound.” 998 F.3d at 655; *see also* *Alexander v. Sandoval*, 532 U.S. 275, 282 (2001) (explaining the Supreme Court is “bound by holdings, not language”).

The above definition applies with equal force here. In *Hamdi*, this Court’s holding rested on a straightforward application: the proposed next friends (a public defender and a private citizen) did not have any relationship with the detainee, and the detainee’s father was “ready, willing, and able to file” on his behalf—which he ultimately did. 294 F.3d at 601, 606. This Court expressly stated it was reserving judgment for a “different case.” *Id.* at 606. A reservation of judgment is the antithesis of a binding holding. As the district court correctly recognized on

reconsideration, Plaintiffs’ reliance on this language improperly “equat[es] dicta to a holding.” (JA16).

The contrast with *Pittston* is instructive. In *Pittston*, the government argued a prior holding—“Coal Act premiums are taxes”—was dictum. 199 F.3d at 703. This Court disagreed, explaining that the determination “was clearly integral to the analytical foundations of [the] holding” because the Court had to decide whether premiums were taxes before it could reach the merits. 199 F.3d at 703. Unlike in *Pittston*, this Court in *Hamdi* did not need to decide what it would have done in a case involving a party with no significant relationships—that question was not before it. 294 F.3d at 606 (“We do not have here the situation of someone who has no significant relationships. If we did, this might be a different case.”) Similarly, in *United States v. Horsley*, this Court applied the *Pittston* definition of dictum to hold that the *Ferebee* panel’s discussion of whether a backpack was within the arrestee’s reaching distance for search-incident-to-arrest purposes was dicta because the court had already resolved the case by holding that the defendant “disavowed ownership of [the backpack].” 105 F.4th 193, 211–12 (4th Cir. 2024); see also *United States v. Shepperson*, 739 F.3d 176, 180 n.2 (4th

Cir. 2014) (“This language, however, is non-binding dicta, as it was unrelated to the *ratio decidendi* of that case, and furthermore, was not a point raised by that defendant.”) The *Hamdi* “different case” language is indistinguishable: the court resolved the case before it on the facts presented and expressly declined to reach the hypothetical scenario Plaintiffs now invoke. (JA8–9, JA15–16).

Furthermore, even the *Hamdi* dicta contemplated a narrow situation: a real party in interest who literally has no significant relationships with anyone. 294 F.3d at 607. This Court did not suggest that a would-be next friend could satisfy standing requirements merely by demonstrating that they are a well-intentioned advocate who has “acquainted” themselves with a complaint, which is the situation confronting this Court. To the contrary, this Court’s careful reservation of judgment indicates skepticism about creating such an exception. The district court correctly applied the distinction between holdings and dicta—a distinction fundamental to our legal system. (JA15–16).

IV. Dismissal Without Prejudice Was the Appropriate Remedy.

Plaintiffs contend the district court should have appointed a guardian ad litem under Rule 17(c)(2) rather than dismissing the action

without prejudice. Doc. 42 at 38–43. This argument improperly combines jurisdictional requirements with procedural rules.

A. Rule 17(c)(2) Cannot Override a Jurisdictional Defect.

Rule 17(c)(2) requires courts to “appoint a guardian ad litem—or issue another appropriate order—to protect a minor or incompetent person who is unrepresented in an action.” Fed. R. Civ. P. 17(c)(2) (emphasis added). Plaintiffs contend this duty supersedes jurisdictional requirements.

As this Court knows, subject matter jurisdiction must exist before a court can act. *See, e.g., United States v. Wilson*, 699 F.3d 789, 793 (4th Cir. 2012) (“Subject matter jurisdiction defines a court’s power to adjudicate cases or controversies—its adjudicatory authority—and without it, a court can only decide that it does not have jurisdiction. Because jurisdictional limits define the very foundation of judicial authority, subject matter jurisdiction must, when questioned, be decided before any other matter.”) (citation omitted)). Once the district court determined the proposed next friends lacked the requisite significant relationship, it lacked subject matter jurisdiction—including any power to appoint a guardian ad litem. *See id.* “[W]hen a federal court concludes

that it lacks subject-matter jurisdiction, the court must dismiss the complaint in its entirety[.]” which is what the district court correctly did in the case *sub judice*. See *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006).

Further, Plaintiffs’ reliance on *Hudnall v. Sellner*, 800 F.2d 377 (4th Cir. 1986), and *Beckley National Bank v. Boone*, 115 F.2d 513 (4th Cir. 1940), is misplaced. (Doc. 42 at 61–62). Plaintiffs cite *Hudnall* for the proposition that “lack of representation is not a jurisdictional defect.” *Id.* But *Hudnall* addressed a different question: whether the trial court abused its discretion by failing *sua sponte* to appoint a guardian ad litem for a *pro se* defendant in a defamation case who had not been adjudicated incompetent, but whose mental competence was questioned. 800 F.2d at 384–86. In that context, this Court observed that even had the defendant been adjudicated incompetent, “the duty laid by Rule 17(c) upon the court would only have been to appoint a guardian ad litem *or* to make available or take notice of the existence of other adequate means of protection”—and that “any error in failing to appoint would not have been jurisdictional[.]” *Id.* at 385 (emphasis added). Most critically, the *Hudnall* court held that appointment of a guardian ad litem was not *compelled*:

“[W]hile, in hindsight, it may have been a better exercise of discretion, particularly in view of [the defendant’s] *pro se* appearance, to have appointed a guardian ad litem out of an abundance of caution, our review asks only whether that was compelled, which we hold it was not.” *Id.* at 386. If anything, *Hudnall* supports the district court’s decision here: guardian ad litem appointment is discretionary and not mandatory. *See id.*

Beckley is similarly inapposite. *Beckley* involved an equitable action to set aside judgments entered against a debtor who was allegedly incompetent at the time of the proceedings. 115 F.2d at 514–15. This Court held the West Virginia statutory requirement to appoint a guardian ad litem for an insane defendant “is not jurisdictional,” and that judgments against insane persons not represented by a guardian “are neither void nor voidable” on that account alone—they can be set aside only upon a showing of “a meritorious defense to the claim.” *Id.* at 518. *Beckley* thus addressed whether a judgment could be vacated for failure to appoint a guardian—not whether a federal court has Article III jurisdiction to hear a case in the first instance. Neither *Hudnall* nor *Beckley* addresses whether a plaintiff’s proposed next friend has standing

to initiate suit on behalf of a minor under *Whitmore* and *Hamdi* – much less whether a trial court has jurisdiction to appoint a guardian after first determining it lacks subject matter jurisdiction. *See also Hamdi*, 294 F.3d at 607 (“The question of next friend standing is not merely technical . . . Rather, it is jurisdictional and thus fundamental.”) (cleaned up).

Plaintiffs attempt to reframe this case as presenting “two distinct inquiries”: (1) constitutional jurisdiction and (2) procedural representation. (Doc. 42 at 63). But that framing misapprehends the threshold nature of subject matter jurisdiction. A procedural rule cannot vest jurisdiction where the Constitution denies it. Once the district court determined the proposed next friends lacked the requisite significant relationship, it lacked jurisdiction to do anything except dismiss. *See Wilson*, 699 F.3d at 793 (“[W]ithout [subject matter jurisdiction], a court can only decide that it does not have jurisdiction.”) The district court recognized this, concluding on reconsideration that although Rule 17(c)(2) “appears to require” guardian ad litem appointment, “the Court does not have jurisdiction to act.” (JA16–JA17). A court cannot simultaneously lack jurisdiction and exercise it.

Plaintiffs’ attempt to separate “constitutional jurisdiction” from “procedural representation” ignores the settled principle that “jurisdictional limits define the very foundation of judicial authority” and “must, when questioned, be decided before any other matter.” *Wilson*, 699 F.3d at 793. There is no “second inquiry” when the first inquiry resolves against the plaintiff. The district court’s determination that the proposed next friends lacked standing under *Hamdi* necessarily foreclosed any further action—including appointment of a guardian ad litem. “[W]hen a federal court concludes that it lacks subject-matter jurisdiction, the court must dismiss the complaint in its entirety.” *Arbaugh*, 546 U.S. at 514.

Holding otherwise would nullify the jurisdictional character of next friend standing. If any deficiency in next friend standing could be cured by guardian ad litem appointment, next friend standing would be advisory rather than jurisdictional—contrary to *Hamdi*’s express holding. The very premise of Plaintiffs’ argument—that the court should have appointed a guardian ad litem after finding it lacked subject matter jurisdiction—proves the district court was right: subject matter jurisdiction is a threshold requirement that forecloses further jurisdictional analysis if resolved against the plaintiff.

B. Dismissal Without Prejudice Preserved Plaintiffs' Rights.

The district court dismissed this action *without* prejudice. (JA10). Plaintiffs could have then, and may still, refile with next friends who satisfy the significant relationship requirement, or they may seek to have guardians ad litem appointed before refiling. The dismissal ensures future suits are prosecuted by persons with genuine connections to the children—not strangers who have merely “acquainted” themselves with a complaint.

Plaintiffs also misread Rule 17(c)(2). The Rule’s protective obligation applies only when a minor “is unrepresented in an action.” Fed. R. Civ. P. 17(c)(2). Here, the minors *are* represented—by counsel via purported next friends. The defect is not lack of representation, but lack of *standing*. Rule 17(c)(2) governs the mechanics of representation once jurisdiction exists; it cannot create subject matter jurisdiction where none exists. *See Hamdi*, 294 F.3d at 607 (“The question of next friend standing is not merely technical . . . Rather, it is jurisdictional and thus fundamental.”) Plaintiffs conflate *inadequate* representation with being *unrepresented*—distinct concepts under Rule 17.

Moreover, guardian ad litem appointment is not mandatory in every case. As this Court explained in *Hudnall*, “the duty laid by Rule 17(c) upon the court would only have been to appoint a guardian ad litem or to make available or take notice of the existence of other adequate means of protection, that is, to exercise an informed discretion in the matter.” 800 F.2d at 385 (emphasis added). *See also Westcott v. U.S. Fid. & Guar. Co.*, 158 F.2d 20, 22 (4th Cir. 1946) (“We cannot agree with the contention of appellants that the word ‘or’ in that last sentence really means ‘and’, thus making the appointment of a guardian ad litem mandatory.”) Here, dismissal without prejudice—which preserves Plaintiffs’ ability to refile with proper next friends—is precisely such a discretionary order “for the protection of” the minor Plaintiffs’ interests. Fed. R. Civ. P. 17(c)(2).

Plaintiffs’ remaining case citations are equally unavailing—each is either non-precedential, factually inapposite, or predates the governing law. First, *In re Short*, 71 F. App’x 235 (4th Cir. 2003) (Doc. 42 at 65) is unpublished and non-precedential. *See, e.g., Koontz v. SN Servicing Corp.*, 133 F.4th 320, 327 (4th Cir. 2025) (explaining unpublished decision has no precedential value). *In re Short* involved a debtor who

had been previously declared incompetent and *already had* a general guardian appointed by a North Carolina court. 2003 WL 21855325, at *1. This Court remanded for the district court to determine whether the appointment of a guardian ad litem was necessary to protect interests of the ward, not to create a multi-factor test for when guardians must be appointed. 71 F. App'x at 235–36. Second, *Genesco, Inc. v. Cone Mills Corp.*, 604 F.2d 281 (4th Cir. 1979) (Doc. 42 at 65) predates both *Whitmore* (1990) and *Hamdi* (2002). *Genesco* addressed a state-law procedural question: whether a mother's designation as “next friend” in a federal court complaint—without judicial appointment—satisfied North Carolina's requirement that a guardian ad litem be formally appointed by the court, thereby triggering North Carolina statute of limitations. 604 F.2d at 283–86. This Court held it did not, because under North Carolina law a next friend “cannot step forward and assume on his own the authority to prosecute the infant plaintiff's suit; rather, his authority is based on appointment by the court.” *Id.* at 285–86. *Genesco* did not address the proper remedy when proposed next friends lack standing—the precise question at issue here. Third, *Mylo v. Board of Education of Baltimore Cnty.*, 948 F.2d 1282 (4th Cir. 1991)

(unpublished), and *United States v. Charters*, 829 F.2d 479 (4th Cir. 1987), are equally unavailing. *Mylo* involved sanctions against a father who prosecuted his minor son's claim *pro se* and was held in contempt for "flagrant disregard of the court's orders." 1991 WL 237930 at *1. This Court affirmed dismissal of the *father's* claims but remanded to protect the son's interests, as the son "was not personally responsible for any of the difficulties in the district court." *Id.* at *1-2. *Mylo* addressed whether a minor's claims should survive his next friend's litigation misconduct. By contrast, *Charters* concerned forcible medication of a pretrial detainee, and the panel's single reference to Rule 17 appeared in dicta—a footnote suggesting what the district court "should evaluate" on remand. 829 F.2d at 499 n.29 ("In light of the fact that *Charters* is represented by an attorney, we cannot say that, on the record before us, the Constitution requires that a guardian be appointed to protect *Charters's* rights. On remand the district court should evaluate whether a guardian should be appointed under Rule 17(c).") This Court, sitting *en banc*, then vacated the panel opinion and held the professional judgment of medical personnel—subject to judicial review for arbitrariness—provided adequate procedural due process protection for forcible

medication decisions. 863 F.2d 302 (4th Cir. 1988). The *en banc* opinion did not address Rule 17 or guardian ad litem appointment. *Id.*

As set forth above, the Fourth Circuit cases cited by Plaintiffs do not establish that remand for guardian ad litem appointment is *required* when proposed next friends lack standing. The non-Fourth Circuit cases cited by Plaintiffs are, likewise, not binding on this Court. The district court properly dismissed without prejudice.

C. Plaintiffs’ Four Factor Framework Lacks Any Binding Authority.

Plaintiffs claim that “[b]efore dismissing, Rule 17(c)(2) required the district court to work through a series of inquiries” and that “[i]t answered none of them.” (Doc. 42 at 66). Plaintiffs propose four inquiries:

- (1) “[I]s the minor’s interest adequately protected by a willing, able, and unconflicted general representative under Rule 17(c)(1)?”;
- (2) “[I]f the general representative is conflicted, is appointment of a special representative necessary, or could some other order suffice?”;
- (3) “[I]f a special representative is required, are there willing and able organizations—bar associations, state guardian ad litem programs, law school clinics—that could supply one?”; and
- (4) “[C]an the next friends who appear in the complaint adequately protect the children’s interests?”

(Doc. 42 at 66–69). However, Plaintiffs’ framework is borrowed almost entirely from non-binding sister-circuit authority.

Plaintiffs cite eleven cases in support of their framework. Only four originate from the Fourth Circuit (*Glynne*, *In re Short*, *Mylo*, and *Charters*)—and none from the Supreme Court. The remaining seven are non-binding authority from other circuits or district courts. None of the four Fourth Circuit cases establishes or even suggests that Plaintiffs’ “inquiries” are the law in this Circuit. Aside from the three Fourth Circuit cases previously discussed, *Glynne* stands for the proposition that legal error constitutes abuse of discretion—it does not mention Rule 17, guardian ad litem appointment, or any Rule 17(c)(2) multi-factor framework. Plaintiffs are asking this Court to import procedural requirements from non-binding authority—and to do so at the expense of binding Fourth Circuit precedent.

The correct legal standard is the one this Court established in *Hamdi*. A proposed next friend must demonstrate a “significant relationship” with the real party in interest—a prerequisite rooted in Article III. When that prerequisite is not met, the court lacks subject

matter jurisdiction. No procedural framework can vest jurisdiction where the Constitution denies it.

Accordingly, this Court should decline the invitation to import procedural requirements from other circuits that conflict with *Hamdi*'s jurisdictional framework. The district court correctly recognized that, once the proposed next friends failed the significant relationship requirement, it lacked jurisdiction to act—including any power to work through the non-binding multi-factor framework Plaintiffs propose for the first time on appeal.

CONCLUSION

The district court correctly held the proposed next friends failed to satisfy the significant relationship requirement established by this Court in *Hamdi*, depriving it of subject matter jurisdiction over Plaintiffs' claims. Plaintiffs' attempt to import a multi-factor procedural framework from non-binding sister-circuit authority cannot override binding Fourth Circuit precedent or vest jurisdiction where Article III denies it. For the foregoing reasons, Defendants respectfully request that this Court affirm the judgment of the district court.

Respectfully submitted.

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CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limitation of Fed. R. App. P. 28.1(e)(2)(B)(i) because this brief contains 8,969 words, excluding the parts of the brief exempted by Fed. R. App. 32(f). This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface, using Microsoft Word in 14-point Century Schoolbook type.

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CERTIFICATE OF SERVICE

I hereby certify that on September 4th, 2026, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit by using the CM/ECF system. I further certify that all participants are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

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