

Court Opinion & Order – Summary

Case Name: John Doe 1, et al. v. James L. Mitchell

Court: United States District Court for the Southern District of West Virginia, Charleston Division

Docket Number: Civil Action No. 2:26-cv-00194

Date of Decision: July 17, 2026

Parties

Plaintiffs

- John Does 1–3 (proceeding anonymously), individually and on behalf of a proposed class of persons subject to West Virginia's Internet identifier reporting requirement.

Defendant

- James L. Mitchell, Superintendent of the West Virginia State Police, sued in his official capacity.

Procedural History

- Plaintiffs filed a civil rights action under **42 U.S.C. § 1983** challenging **W. Va. Code § 15-12-2(d)(8)**.
- Defendant moved to dismiss under **Federal Rule of Civil Procedure 12(b)(6)**, arguing that the complaint failed to state constitutional claims.
- Plaintiffs also moved for permission to proceed anonymously.
- This opinion resolves both motions.

Key Facts

- West Virginia law requires registered sex offenders to disclose:
 - Any Internet accounts;
 - Screen names;
 - User names; and
 - Online aliases.
- Registrants must report changes within ten business days in person.
- Failure to comply is punishable as a felony.
- The West Virginia State Police may publicly display certain disclosed Internet identifiers through the registry database.
- Plaintiffs allege the statute:
 - Chills anonymous online speech;
 - Is overly broad; and
 - Is unconstitutionally vague because key terms are undefined.

Legal Issues

1. Should the plaintiffs be permitted to proceed anonymously?
 2. Does W. Va. Code § 15-12-2(d)(8) violate the Due Process Clause because it is unconstitutionally vague?
 3. Does the complaint plausibly state a First Amendment facial overbreadth claim sufficient to survive a Rule 12(b)(6) motion?
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Court's Analysis

1. Anonymous Proceeding

Applying the factors from *James v. Jacobson*, the court held that:

- The case involves sensitive First Amendment interests.
- Disclosure of plaintiffs' identities could expose them and their families to harassment or violence.
- The lawsuit challenges government action rather than a private party.
- Defendant would suffer little prejudice because the case presents primarily legal issues.

The balance favored allowing the plaintiffs to proceed anonymously.

2. Vagueness Claim

The court dismissed the vagueness claim because:

- The West Virginia Supreme Court previously interpreted the statute in *State v. Nolte* to require disclosure of **all Internet accounts**.
- The ordinary meaning of "any Internet accounts" provides adequate notice.
- "Information relating to" reasonably refers to identifying information associated with those accounts.
- The statute provides sufficient standards to avoid arbitrary enforcement.

3. First Amendment Overbreadth Claim

The court held that dismissal was inappropriate because the plaintiffs plausibly alleged that:

- The statute burdens protected online speech.
- Mandatory disclosure chills anonymous expression.
- Public disclosure of usernames and email addresses may interfere with First Amendment rights.
- The statute reaches a broad range of expressive online activity.
- A factual record is needed to determine whether the statute materially advances the State's interests and is narrowly tailored.

The court characterized the complaint as asserting a **facial**, rather than an as-applied, constitutional challenge.

Holding

Issue	Holding
Motion to Proceed Anonymously	Granted
Fourteenth Amendment Vagueness Claim	Dismissed
First Amendment Overbreadth Claim	Survives Motion to Dismiss

Order

The court ordered that:

- Plaintiffs may proceed as **John Does 1–3** under a protective order.
 - Defendant's motion to dismiss is **GRANTED** as to the vagueness claim.
 - Defendant's motion to dismiss is **DENIED** as to the First Amendment overbreadth claim.
 - The litigation proceeds solely on the First Amendment challenge.
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Significance

- This is the **first substantive federal ruling** on the constitutionality of West Virginia's Internet identifier reporting requirement.
- The opinion recognizes that plaintiffs plausibly allege a substantial burden on anonymous online speech, allowing the First Amendment challenge to proceed to discovery.
- The court rejects the vagueness theory, relying heavily on the West Virginia Supreme Court's interpretation in *State v. Nolte*, which narrows the statute by construing it to require disclosure of **all** Internet accounts.
- The opinion leaves unresolved the ultimate constitutional question of whether the statute survives First Amendment scrutiny, concluding that a more developed factual record is necessary before deciding whether the law is sufficiently tailored to advance the State's public safety interests.