

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Civil Action No. 1:17-CV-078

RUSSELL F. WALKER,

Plaintiff,

v.

NORTH CAROLINA STATE
BOARD OF ELECTIONS AND
HOKE COUNTY BOARD OF
ELECTIONS,

Defendants,

RESPONSE OF THE NORTH CAROLINA
STATE BOARD OF ELECTIONS TO
PLAINTIFF'S MOTION TO
AMEND THE COMPLAINT

(FED. R. CIV. P. 12(b))

NOW COMES the Defendant, The North Carolina State Board of Elections (“State Board”), by and through its undersigned counsel, and hereby notifies the Court that it does not oppose the Plaintiff’s Motion to Amend the Complaint and the Amended Complaint filed on March 23, 2017, ECF #19 & #19-1.¹ The amendment, however, does not bar dismissal of the Complaint as against the State Board, which is addressed more fully in the State Board’s separate Reply to the Plaintiff’s Opposition to the State Board’s Motion to Dismiss.

¹ The Plaintiff’s Motion to Amend is actually entitled, “Motion in Opposition to Defendant’s NC Board of Elections Motion to Dismiss including Memorandum in Support,” and reads as a response to the State Board’s Motion to Dismiss. The ECF system, however, captioned that document as, “Motion To Amend Complaint And Response In Opposition To Motion To Dismiss For Failure To State A Claim.” The State Board is filing a separate Reply to the Plaintiff’s Opposition to the State Board’s Motion to Dismiss.

This the 6th day of April, 2017.

JOSH STEIN
Attorney General

/s/ James Bernier, Jr.
James Bernier, Jr.
Assistant Attorney General
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CERTIFICATE OF SERVICE

I certify that on 6 April 2017, I electronically filed the foregoing RESPONSE OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS TO PLAINTIFF'S MOTION TO AMEND THE COMPLAINT with the Clerk of Court using the CM/ECF system, and served the following non-registered party by U.S. Mail:

Russell F. Walker, *Pro Se*
176 Quewhiffle Rd.
Aberdeen, NC 38315

This the 6th day of April, 2017.

/s/ James Bernier, Jr.
James Bernier, Jr.
Assistant Attorney General