

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

FRANCIS X. DELUCA

Plaintiff,

v.

NORTH CAROLINA STATE BOARD OF
ELECTIONS; KIM WESTBROOK STRACH,
in her official capacity as Executive Director of
the State Board; and A. GRANT WHITNEY,
RHONDA K. AMOROSO, JOSHUA D.
MALCOLM, JAMES BAKER, and MAJA
KRICKER, in their official capacities as
members of the State Board of Elections,

Defendants,

and

LEAGUE OF WOMEN VOTERS OF NORTH
CAROLINA, *et al.*,

Defendant-Intervenors,

and

NORTH CAROLINA STATE CONFERENCE
OF THE NATIONAL ASSOCIATION FOR
THE ADVANCEMENT OF COLORED
PEOPLE,

Defendant-Intervenor.

NO.: 5:16-CV-913

**DEFENDANT-INTERVENOR NORTH CAROLINA STATE CONFERENCE OF
THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED
PEOPLE'S MOTION TO DISMISS OR SUMMARILY DENY PLAINTIFF'S
MOTION FOR A PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65(a), Local Civil Rule 7.1(e), and Local Civil Rule 11.1, Defendant-Intervenor North Carolina State Conference of the National Association for the Advancement of Colored People (“NC NAACP”) respectfully requests that the Court dismiss or summarily deny Plaintiff’s motion for a preliminary injunction.

As set forth in the accompanying memorandum in support of this motion, Plaintiff filed for a preliminary injunction on November 23, 2016. In his motion, Plaintiff assured the Court that he would file the requisite supporting memorandum setting forth the legal and evidentiary basis for his motion, but to date has failed to do so. This is not only a clear violation of Local Rule 7.1(e), which requires a supporting memorandum, but also disregards clear Supreme Court and Fourth Circuit authority placing the burden on Plaintiff to present arguments supporting his requested injunctive relief. This Court regularly denies motions, including preliminary injunction motions, for failure to provide supporting evidence and arguments.

For the same reason, conducting a hearing on a motion that is not supported by any legal or factual arguments would waste this Court’s and the parties’ resources, and therefore we request that the preliminary injunction hearing scheduled for December 8, 2016, be canceled. Finally, no justification exists for allowing Plaintiff to cure his omission by extending the deadlines already set, as further delay would effectively reward Plaintiff’s dilatory behavior by granting him the relief he seeks.

December 2, 2016

Respectfully submitted,

/s/ Martha A. Geer

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*Attorneys for North Carolina State Conference
of the National Association for the
Advancement of Colored People*

CERTIFICATE OF SERVICE

I certify that on this day I filed the foregoing “**Defendant-Intervenor North Carolina State Conference Of The National Association For The Advancement Of Colored People’s Motion To Dismiss Or Summarily Deny Plaintiff’s Motion For A Preliminary Injunction**” with the clerk’s office via the CM/ECF system, which will send notification of filing to the following counsel of record:

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This the 2nd Day of December, 2016.

/s/ Martha A. Geer