

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
No. 1:23-cv-302**

**AMERICAN CIVIL LIBERTIES
UNION OF NORTH CAROLINA,**

Plaintiff,

v.

**JOSHUA H. STEIN, in his official
capacity as Attorney General of
North Carolina; SATANA
DEBERRY, in her official capacity as
District Attorney of the 16th
prosecutorial district; AVERY
MICHELLE CRUMP, in her official
capacity as District Attorney of the
24th prosecutorial district; and
LORRIN FREEMAN, in her official
capacity as District Attorney of the
10th prosecutorial district, and as
representatives of a class of all
district attorneys in the state of North
Carolina,**

Defendants.

**DEFENDANT STEIN'S
MOTION TO DISMISS**

Defendant Joshua H. Stein in his official capacity as Attorney General of North Carolina moves the Court for entry of an order dismissing Plaintiff's Amended Complaint and all claims against the Defendant pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rule of Civil Procedure. As set forth more fully in the attached memorandum of law, this Court lacks subject matter jurisdiction over Plaintiff's claims because Plaintiff does not

have standing. Additionally, Plaintiff has failed to state a claim upon which relief can be granted. A supporting Memorandum of Law is being submitted contemporaneously with this Motion.

Defendant respectfully requests an Order dismissing Plaintiff's Amended Complaint in its entirety with prejudice.

Respectfully submitted this 20th day of July, 2023.

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/s/ South A. Moore
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Counsel for Defendant Stein

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of July 2023, I electronically filed the foregoing **DEFENDANT STEIN’S MOTION TO DISMISS** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all parties’ attorneys as registered CM/ECF users:

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Respectfully submitted this 20th day of July, 2023.

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