

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Case No.: 1:23-00302-LCB-JLW

AMERICAN CIVIL LIBERTIES)
UNION OF NORTH CAROLINA,)

Plaintiff,)

v.)

JOSHUA STEIN, *in his official*)
capacity as Attorney General of the)
State of North Carolina, SATANA)

MOTION TO DISMISS

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.)

NOW COME Defendants Satana Deberry, in her official capacity as District Attorney for the 16th Prosecutorial District, Avery Michelle Crump, in her official capacity as District Attorney for the 24th Prosecutorial District and Lorrin Freeman, in her official capacity as District Attorney for the 10th

Prosecutorial District (“DA Defendants”), and respectfully move the Court for entry of an order dismissing, with prejudice, Plaintiff’s Amended Complaint and all claims against the DA Defendants pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure. As set out more fully in the attached memorandum of law, this Court lacks subject matter jurisdiction over Plaintiff’s claims because Plaintiff lacks standing. Plaintiff has also failed to state a claim upon which relief may be granted.

Respectfully submitted this, the 20th day of July, 2023.

JOSHUA H. STEIN
Attorney General

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*Counsel for Defendants Deberry,
Crump and Freeman*

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day electronically filed the foregoing **MOTION TO DISMISS** using the CM/ECF system, which will send notification of such filing to all the counsel of record for the parties who participate in the CM/ECF system.

This the 20th day of July, 2023.

/s/ Elizabeth Curran O'Brien
Elizabeth Curran O'Brien
Special Deputy Attorney General
N.C. Department of Justice