

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:23-cv-00219-BO-RJ

MONICA FAITH USSERY,)
))
Plaintiff,)
))
v.)
))
HONORABLE ROY COOPER, in his official)
capacity as Governor of the State of North)
Carolina, HONORABLE ERIK A. HOOKS, in)
his individual and official capacity as Secretary)
of the North Carolina Department of Public)
Safety, LORRIN FREEMAN, in her individual)
and official capacity as Wake County District)
Attorney, CASSANDRA DECK-BROWN, in)
her individual and official capacity as Chief of)
Raleigh Police Department, DEDRIC BOND,)
in his individual and official capacity as City of)
Raleigh Police Department Captain, ROGER)
“CHIP” HAWYLEY, in his individual and)
official capacity as Chief of North Carolina)
State Capitol Police, MARTIN BROCK, in his)
individual and official capacity as Chief of the)
North Carolina General Assembly Police)
Department, DERICK PROCTOR, in his)
individual and official capacity as an officer of)
North Carolina State Capitol Police, TITO)
FINK, in his individual and official capacity as)
an officer of the North Carolina State Capitol)
Police, and The City of Raleigh,)
))
Defendants.)

**MOTION TO DISMISS BY
THE CITY OF RALEIGH**

NOW COMES defendant, the City of Raleigh (hereinafter, the “City”), by and through undersigned counsel, and moves the Court to dismiss Plaintiff’s Amended Complaint [D.E. [11](#)], pursuant to Fed. R. Civ. P. 12(b)(6). In support of this Motion, the City shows the Court that the Amended Complaint fails to state claims against the City pursuant to 42 U.S.C. § 1983 or the North Carolina Constitution.

WHEREFORE, the City respectfully requests that:

1. This action be dismissed with prejudice as against the City; and,
2. For such other and further relief as the Court deems just and proper.

This the 5th day of July 2023.

CITY OF RALEIGH
Dorothy V. Kibler
Interim City Attorney

By: /s/ Hunt K. Choi
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Counsel for Defendant City of Raleigh

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of July 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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And I hereby certify that I have mailed the document to the following non CM/ECF participants:

N/A

Respectfully submitted,

CITY OF RALEIGH
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Interim City Attorney

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