

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION**

RODNEY D. PIERCE and  
MOSES MATTHEWS,

Plaintiffs,

v.

THE NORTH CAROLINA STATE BOARD  
OF ELECTIONS, et al.,

Defendants.

Case No. 4:23-cv-193-D

**NOTICE OF APPEAL**

Notice is hereby given that Plaintiffs Rodney D. Pierce and Moses Matthews appeal to the United States Court of Appeals for the Fourth Circuit from this Court's constructive denial of Plaintiffs' Motion for Preliminary Injunction (D.E. 16). *See* Order, D.E. 43 (December 29, 2023); Order, D.E. 28 (December 8, 2023); Order, D.E. 23 (November 27, 2023); *see also District of Columbia v. Trump*, 959 F.3d 126, 131-32 (4th Cir. 2020) (a district court's "unreasonable or inexplicable delay" in ruling on a time-sensitive motion can be "tantamount to a denial" that can be appealed); *see also IDS Life Ins. Co. v. SunAmerica, Inc.*, 103 F.3d 524, 526 (7th Cir. 1996) ("A showing of unjustifiable delay coupled with irreparable injury if an immediate appeal is not allowed is enough to make a constructive denial appealable, if a formal denial would be.")

Dated: December 29, 2023

Respectfully submitted,

**ARNOLD & PORTER  
KAYE SCHOLER LLP**

**POYNER SPRUILL LLP**

By: /s/ R. Stanton Jones  
R. Stanton Jones\*  
Stanton.Jones@arnoldporter.com  
Elisabeth S. Theodore\*\*  
Elisabeth.Theodore@arnoldporter.com  
Samuel I. Ferenc\*  
Sam.Ferenc@arnoldporter.com  
601 Massachusetts Ave. NW  
Washington, DC 20001-3743  
202.942.5000

By: /s/ Edwin M. Speas, Jr.  
Edwin M. Speas, Jr.  
N.C. State Bar No. 4112  
espeas@poynerspruill.com  
P.O. Box 1801  
Raleigh, NC 27602-1801  
919.783.6400

*Attorneys for Plaintiffs*

*\*Special Appearance*

*\*\*Notice of Special Appearance forthcoming*

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel and parties registered in said system.

Dated: December 29, 2023

/s/ R. Stanton Jones  
R. Stanton Jones