

No. 23-2317

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In the  
United States Court of Appeals for the Fourth Circuit

**RODNEY D. PIERCE and MOSES MATTHEWS,**

*Plaintiff-Appellants,*

v.

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

*Defendant-Appellees.*

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On Appeal from the United States District Court  
for the Eastern District of North Carolina, James E. Dever, III, District Judge  
No. 4:23-cv-193-D-RN

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**STATE BOARD DEFENDANTS' RESPONSE TO  
LEGISLATIVE DEFENDANTS-APPELLEES'  
MOTION TO DISMISS**

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Defendant-Appellees, The North Carolina State Board of Elections, and Alan Hirsch, Jeff Carmon, Stacy Eggers, IV, Kevin N. Lewis, and Siobhan O'Duffy Millen, all in their official capacities (collectively "State Board Defendants"), respond to Legislative Defendants-Appellees' motion to dismiss as follows.

State Board Defendants take no position on Legislative Defendants-Appellees' motion to dismiss.

Respectfully submitted, this the 8th day of January, 2024.

N.C. DEPARTMENT OF JUSTICE

/s/ Terence Steed

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**CERTIFICATE OF COMPLIANCE**

I certify that this Response complies with the length requirements of Fed. R. App. P. 27(d)(2)(A) because it contains 62 words. This response also complies with the typeface and type-style requirements of Fed. R. App. P. 32(a)(5) & (6) because it has been prepared in a proportionally spaced typeface: 14-point Constantia font.

Respectfully submitted, this the 8th day of January, 2024.

/s/ Terence Steed  
Terence Steed