IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:26-cv-00590-D

SCOTT LASSITER, Plaintiff, v. WAKE COUNTY BOARD OF EDUCATION, Defendant.	**MOTION TO DISMISS AMENDED COMPLAINT**

Defendant Wake County Board of Education (the "Board"), by and through its attorney, moves the Court pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure to dismiss Plaintiff's claims against it. In support of its motion, Defendant respectfully shows the Court the following:

1. Plaintiff has failed to state a claim against the Board for fraudulent inducement because he has failed to plausibly plead his claim and failed to meet the heightened pleading requirements of Rule 9 of the Federal Rules of Civil Procedure.

2. Plaintiff has failed to state a claim against the Board pursuant to 42 U.S.C. § 1983 for alleged First Amendment retaliation and for any alleged violations of the North Carolina Constitution.

3. Plaintiff has failed to state a Fourteenth Amendment procedural due process claim related to a protected property interest in continued employment.

4. Plaintiff has failed to state a claim for "deprivation of occupational liberty interest and denial of name-clearing process" under the Fourteenth

Amendment

5. With respect to all claims against the Board, Plaintiff has failed to state any claim upon which relief may be granted. Plaintiff's Complaint should therefore be dismissed with prejudice under Rule 12(b)(6).

Pursuant to Local Civil Rule 7.1, E.D.N.C., a Memorandum of Law in support of this motion is being submitted contemporaneously with the motion.

Respectfully submitted, this the 2nd day of November 2026.

THARRINGTON SMITH, LLP

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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of November 2026, I electronically filed the foregoing Motion to Dismiss with the Clerk of the Court using CM/ECF which will send notification of such filing to all counsel of record.

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