

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

RUSSELL F. WALKER,)
)
Plaintiff,)
)
v.) 1:17-CV-78
)
NORTH CAROLINA STATE)
BOARD OF ELECTIONS and HOKE)
COUNTY BOARD OF ELECTIONS,)
)
Defendants.)

ORDER

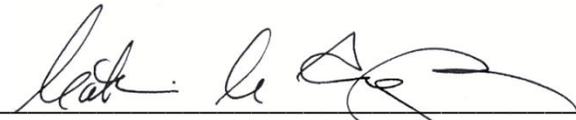
This matter is before the Court on various pending motions. Upon consideration and review of the record it is **ORDERED** that:

1. Without objection, the plaintiff's motion to amend complaint, Doc. 19, is **GRANTED**. The Clerk shall separately docket the proposed complaint submitted by the plaintiff, now located at Doc. 19-1, as the Amended Complaint.
2. The State Board of Elections filed a motion to dismiss the original complaint, Doc 15, but the parties in their response and reply briefs have addressed the amended complaint. The State Board suggests the amended complaint raises no new issues and the current briefing is sufficient, and the plaintiff has not objected. The Court finds there is no need for renewed repetitive or supplemental briefing in connection with this motion to dismiss, which would do nothing except cause delay and increase costs without any concomitant

benefit. Therefore, the Court will consider the pending motion to dismiss, Doc. 15, as directed towards the amended complaint. That motion remains under advisement.

3. The Hoke County Board of Elections recently filed a motion to dismiss the original complaint, Doc. 35, to which the plaintiff has responded. Doc. 38. The Hoke Board's reply brief is due May 8. An amended complaint has now been filed, and while it has some additional allegations, it does not appear to be substantially different. The Court will consider the Hoke Board's pending motion as directed towards the amended complaint, and will allow the Board to address any relevant differences between the complaint and the amended complaint in the reply brief. The plaintiff may then file a sur-reply brief, if he wishes, within five business days.
4. The plaintiff has filed a motion for judgment on the pleadings. Doc. 39. As the pleadings are not closed, *see* Fed. R. Civ. P. 12(c), that motion is **DENIED** without prejudice to renewal after the pleadings are closed.
5. The plaintiff has filed two motions to expedite the proceedings. Docs 11, 30. These motions will be **DENIED**, without prejudice to consideration of the plaintiff's arguments as to scheduling, if and when the time comes for a Rule 26(f) Conference.

This the 28th day of April, 2017.


UNITED STATES DISTRICT JUDGE