

**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, ALAN HIRSCH, in his  
official capacity as Chair of the North Carolina  
State Board of Elections, JEFF CARMON III  
in his official capacity as Secretary of the  
North Carolina State Board of Elections,  
STACY “FOUR” EGGERS IV in his official  
capacity as a member of the North Carolina  
State Board of Elections, KEVIN N. LEWIS in  
his official capacity as a member of the North  
Carolina State Board of Elections, SIOBHAN  
O’DUFFY MILLEN in her official capacity as  
a member of the North Carolina State Board of  
Elections, PHILIP E. BERGER in his official  
capacity as President Pro Tem of the North  
Carolina Senate, and TIMOTHY K. MOORE  
in his official capacity as Speaker of the North  
Carolina House of Representatives,

Defendants.

No. 4:23-cv-193

**MEMORANDUM OF LAW IN SUPPORT OF  
GOVERNOR ROY A. COOPER, III AND ATTORNEY GENERAL JOSHUA H. STEIN’S  
MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF  
PLAINTIFFS’ MOTION FOR A PRELIMINARY INJUNCTION**

North Carolina Governor Roy A. Cooper, III and Attorney General Joshua H. Stein respectfully submit this memorandum in support of their motion for leave to file an amicus curiae brief in support of Plaintiffs' motion for a preliminary injunction.<sup>1</sup>

### **SUMMARY OF THE NATURE OF THE CASE**

In late October 2023, the North Carolina General Assembly enacted a statute establishing new districts for the North Carolina Senate. First Am. Compl. ¶ 33, ECF No. 13 (citing Act of Oct. 25, 2023, S.L. No. 2023-146). Plaintiffs filed this lawsuit challenging certain of these districts. *Id.* ¶ 1. They claim that the new Senate districts for northeastern North Carolina violate Section 2 of the Voting Rights Act, which prohibits districting plans that deny minority voters the ability to elect their preferred candidates. *Id.* ¶¶ 84-98. Plaintiffs also sought a preliminary injunction to ensure that the challenged districts are not used in future elections. Pls.' Mot. for Prelim. Inj. at 1-2, ECF No. 16.

### **STATEMENT OF THE FACTS**

The Governor and Attorney General respectfully refer the Court to the statement of facts in Plaintiffs' memorandum in support of their motion for a preliminary injunction. *See* Mem. in Supp. of Pls.' Mot. for Prelim. Inj. at 3-6, ECF No. 17. In that statement, Plaintiffs show that they live in northeastern North Carolina, where Black citizens form a majority or a substantial portion of the population in many counties. *Id.* Plaintiffs also show that the newly enacted Senate districts divide the Black population of these counties among multiple districts, preventing Plaintiffs from joining together with other Black voters to elect candidates of their choice. *See id.*

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<sup>1</sup> The Attorney General has recused himself from representing the North Carolina State Board of Elections, its members, or any of the other defendants in this case.

## ARGUMENT

### I. The Governor and Attorney General Have a Special Interest in This Case.

This Court should grant the Governor and Attorney General's motion for leave to file an amicus brief because they have a strong interest in being heard with respect to Plaintiffs' claims. This interest arises from their central roles in state government and their duties to the people of North Carolina.

The Governor and Attorney General are elected statewide to serve all the people of North Carolina. N.C. Const. art. III, §§ 2(1), 7(1). The Governor is North Carolina's chief executive officer. *Id.* § 1. He bears primary responsibility for enforcing the State's laws. *Id.* § 5(4). The Attorney General is, in turn, North Carolina's chief legal officer. *See* N.C. Gen. Stat. § 114-1.1; *Tice v. Dep't of Transp.*, 67 N.C. App. 48, 52, 312 S.E.2d 241, 244 (1984). He is charged with defending the State, its constitution, and the rights that it guarantees to North Carolinians. N.C. Gen. Stat. § 114-2; *Martin v. Thornburg*, 320 N.C. 533, 546, 359 S.E.2d 472, 479 (1987).

Given these roles, the Governor and Attorney General have a strong interest in being heard to ensure that the State complies with the federal laws that secure the voting rights of its citizens. In 1868, when North Carolina was readmitted to the Union after the Civil War, the people of North Carolina amended their constitution to underscore that federal law is supreme over state law, mandating that "no law or ordinance of the State in contravention or subversion [of federal law] can have any binding force." N.C. Const. art. I, § 5. In keeping with this guarantee protecting North Carolinians' federal rights, the North Carolina Supreme Court has recognized that when the General Assembly draws legislative districts, it must first draw districts required by the Voting Rights Act before complying with state-law requirements. *Stephenson v. Bartlett*, 355 N.C. 354, 383, 562 S.E.2d 377, 396-97 (2002).

Here, however, Plaintiffs have shown that the General Assembly failed to comply with the Voting Rights Act when it enacted new Senate districts. *See* Mem. in Supp. of Pls.’ Mot. for Prelim. Inj. at 7-20, ECF No. 17. Given this failure, the Governor and Attorney General have a strong interest in being heard to fulfill their constitutional duties to protect North Carolinians’ federal rights.

## **II. Hearing the Governor and Attorney General’s Views Will Assist the Court.**

This Court should also grant the Governor and Attorney General’s motion for leave because hearing from these officials concerning the important issues in this case will assist this Court. Both officials represent all the people of North Carolina, including the voters who have been harmed by the State’s failure to comply with the Voting Rights Act. Also, given their status as state constitutional officers, both officials have a special understanding of the need to ensure a state government that is representative of all North Carolinians and the crucial role that the Voting Rights Act plays in securing such a government.

Granting the motion, moreover, is also appropriate because elections cases commonly lend themselves to amicus participation. Elections cases like this one have broad importance for the entire public, making the views of interested non-parties helpful for the courts hearing these cases. Thus, even though the local rules do not expressly contemplate the filing of amicus briefs, district courts in North Carolina have routinely accepted amicus briefs in elections cases at the preliminary injunction stage. *See, e.g., Democracy N.C. v. N.C. State Bd. of Elections*, No. 1:20-cv-457, 2020 WL 6589358, at \*1 (M.D.N.C. July 8, 2020) (Osteen, Jr., J.) (accepting amicus brief in elections case opposing motion for preliminary injunction); *United States v. North Carolina*, No. 1:13-cv-00861 (M.D.N.C. June 19, 2014) (Schroeder, J.) (same). For example, in *North Carolina Green Party v. North Carolina State Board of Elections*, this Court recently

granted the National Republican Senatorial Committee’s motion seeking leave to file an amicus brief supporting a motion for a preliminary injunction. 619 F. Supp. 3d 547, 552 (E.D.N.C. 2022) (Dever, J.). Because hearing from amici here will assist this Court in the same way as in *Green Party*, the Governor and Attorney General’s motion for leave should be granted.<sup>2</sup>

### CONCLUSION

Governor Cooper and Attorney General Stein respectfully request that this Court grant their motion for leave to file an amicus curiae brief in support of Plaintiffs’ motion for a preliminary injunction.

Dated: December 12, 2023

Respectfully submitted,

JOSHUA H. STEIN  
Attorney General

/s/ Ryan Y. Park  
Ryan Y. Park  
Solicitor General  
N.C. State Bar No. 52521

*Counsel for Proposed Amici Curiae*

N.C. Department of Justice  
Post Office Box 629  
Raleigh, NC 27602  
(919) 716-6400

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<sup>2</sup> District courts in North Carolina also routinely accept amicus briefs in other cases that have broad significance for the entire public. *See, e.g., Carcaño v. McCrory*, No. 1:16-cv-00236 (M.D.N.C. July 14, 2016) (Schroeder, J.) (accepting amicus brief supporting motion for preliminary injunction in civil-rights case); *United States v. North Carolina*, No. 1:16-cv-00425 (M.D.N.C. July 12 & Aug. 3, 2016) (Schroeder, J.) (accepting two amicus briefs supporting motion for preliminary injunction in civil-rights case).

## CERTIFICATE OF COMPLIANCE

I certify that this memorandum contains complies with Local Rule 7.2(f), because it contains 1099 words, excluding the parts of the brief exempted by Local Rule 7.2(f)(1).

Dated: December 12, 2023

/s/ Ryan Y. Park  
Ryan Y. Park

## CERTIFICATE OF SERVICE

I certify that on this 12th day of December, 2023, I filed the foregoing memorandum with the Clerk of Court using the CM/ECF system, which will automatically serve electronic copies on all counsel of record.

/s/ Ryan Y. Park  
Ryan Y. Park

# **Exhibit A**



**U.S. District Court  
North Carolina Middle District (NCMD)  
CIVIL DOCKET FOR CASE #: 1:13-cv-00861-TDS-JEP**

UNITED STATES OF AMERICA v. STATE OF NORTH CAROLINA et al  
Assigned to: JUDGE THOMAS D. SCHROEDER  
Referred to: MAG/JUDGE JOI ELIZABETH PEAKE  
Lead case: [1:13-cv-00658-TDS-JEP](#)  
Member case: ([View Member Case](#))  
Case in other court: 14-01845  
14-01859  
16-01529  
16-02193  
Cause: 42:1971 Voting Rights Act

Date Filed: 09/30/2013  
Date Terminated: 04/25/2016  
Jury Demand: None  
Nature of Suit: 441 Civil Rights: Voting  
Jurisdiction: U.S. Government Plaintiff

Date Filed	#	Docket Text
09/30/2013	<a href="#">1</a>	COMPLAINT against All Defendants, filed by UNITED STATES OF AMERICA.(MEZA, CATHERINE) (Entered: 09/30/2013)
09/30/2013	<a href="#">2</a>	NOTICE of Appearance by attorney JOHN A. RUSS, IV on behalf of Plaintiff UNITED STATES OF AMERICA (RUSS, JOHN) (Entered: 09/30/2013)
09/30/2013	<a href="#">3</a>	NOTICE of Appearance by attorney CATHERINE MEZA on behalf of Plaintiff UNITED STATES OF AMERICA (MEZA, CATHERINE) (Entered: 09/30/2013)
09/30/2013	<a href="#">4</a>	NOTICE of Appearance by attorney DAVID G. COOPER on behalf of Plaintiff UNITED STATES OF AMERICA (COOPER, DAVID) (Entered: 09/30/2013)
09/30/2013	<a href="#">5</a>	NOTICE of Appearance by attorney SPENCER ROSS FISHER on behalf of Plaintiff UNITED STATES OF AMERICA (FISHER, SPENCER) (Entered: 09/30/2013)
09/30/2013	<a href="#">6</a>	Summons Issued as to NORTH CAROLINA STATE BOARD OF ELECTIONS, STATE OF NORTH CAROLINA, KIM WESTBROOK STRACH. (Attachments: # <a href="#">1</a> Summons to NC State Board of Elections, # <a href="#">2</a> Summons to Kim Westbrook Strach) (Garland, Leah) (Entered: 09/30/2013)
09/30/2013	<a href="#">7</a>	Notice of Right to Consent. Counsel shall serve the attached form on all parties. (Garland, Leah) (Entered: 09/30/2013)
09/30/2013	<a href="#">8</a>	NOTICE of Appearance by attorney ELIZABETH M. RYAN on behalf of Plaintiff UNITED STATES OF AMERICA (RYAN, ELIZABETH) (Entered: 09/30/2013)
10/03/2013	<a href="#">9</a>	NOTICE of Appearance by attorney ALEXANDER MCCLURE PETERS on behalf of Defendants NORTH CAROLINA STATE BOARD OF ELECTIONS, STATE OF NORTH CAROLINA, KIM WESTBROOK STRACH (PETERS, ALEXANDER) (Entered: 10/03/2013)
10/03/2013	<a href="#">10</a>	MOTION for Extension of Time to File Answer re <a href="#">1</a> Complaint by NORTH CAROLINA STATE BOARD OF ELECTIONS, STATE OF NORTH CAROLINA, KIM WESTBROOK STRACH. (PETERS, ALEXANDER) (Entered: 10/03/2013)
10/04/2013	<a href="#">11</a>	NOTICE of Appearance by attorney PHILLIP JOHN STRACH on behalf of Defendants NORTH CAROLINA STATE BOARD OF ELECTIONS, STATE OF NORTH CAROLINA, KIM WESTBROOK STRACH (STRACH, PHILLIP) (Entered: 10/04/2013)
10/04/2013	<a href="#">12</a>	NOTICE of Appearance by attorney THOMAS A. FARR on behalf of Defendants NORTH CAROLINA STATE BOARD OF ELECTIONS, STATE OF NORTH CAROLINA, KIM WESTBROOK STRACH (FARR, THOMAS) (Entered: 10/04/2013)
10/04/2013		Motions Referred: RE: <a href="#">10</a> MOTION for Extension of Time to File Answer re <a href="#">1</a> Complaint , to MAG/JUDGE JOI ELIZABETH PEAKE (Solomon, Dianne) (Entered: 10/04/2013)
10/08/2013	<a href="#">13</a>	RESPONSE to North Carolina's Motion for Extension of Time to Answer filed by Plaintiff UNITED STATES OF AMERICA re <a href="#">10</a> MOTION for Extension of Time to File Answer re <a href="#">1</a> Complaint filed by KIM WESTBROOK

		Map 17 - Cumberland County Unmatched Voters Aged 18-25, # <a href="#">4</a> Appendix Map 18 - Wilson County Unmatched Voters Aged 18-25, # <a href="#">5</a> Appendix Map 19 - Wake/Durham/Orange Counties Unmatched Voters Aged 18-25, # <a href="#">6</a> Appendix Map 20 - Pasquotank County Unmatched Voters Aged 18-25, # <a href="#">7</a> Appendix Map 21 - Nash/Edgecombe Counties Unmatched Voters Aged 18-25, # <a href="#">8</a> Appendix Map 22 - Mecklenburg County Unmatched Voters Aged 18-25, # <a href="#">9</a> Appendix Map 23 - Forsyth County Unmatched Voters Aged 18-25, # <a href="#">10</a> Appendix Map 24 - Guilford County Unmatched Voters Aged 18-25) Associated Cases: 1:13-cv-00861-TDS-JEP, 1:13-cv-00658-TDS-JEP, 1:13-cv-00660-TDS-JEP(FARR, THOMAS) (Entered: 06/18/2014)
06/18/2014	<a href="#">134</a>	Additional Attachments to Main Document re (138 in 1:13-cv-00660-TDS-JEP) Response in Opposition to Motion,,,, <i>Exhibit 9 - Declaration of Thomas H. Fetzer, Jr.</i> (Attachments: # <a href="#">1</a> Exhibit 10 - Declaration of Cherie Poucher, # <a href="#">2</a> Exhibit 11 - Declaration of Michael Dickerson, # <a href="#">3</a> Exhibit 12 - Declaration of Carolyn Justice, # <a href="#">4</a> Exhibit 13 - Transcript of Senate Proceedings on HB 589, Volumes I - IV) Associated Cases: 1:13-cv-00861-TDS-JEP, 1:13-cv-00658-TDS-JEP, 1:13-cv-00660-TDS-JEP(FARR, THOMAS) (Entered: 06/18/2014)
06/18/2014	<a href="#">135</a>	RESPONSE in Opposition re (106 in 1:13-cv-00658-TDS-JEP) MOTION for Judgment on the Pleadings , (110 in 1:13-cv-00660-TDS-JEP) MOTION for Judgment on the Pleadings , (94 in 1:13-cv-00861-TDS-JEP) MOTION for Judgment on the Pleadings filed by UNITED STATES OF AMERICA. Replies due by 7/7/2014. (Attachments: # <a href="#">1</a> Exhibit) Associated Cases: 1:13-cv-00861-TDS-JEP, 1:13-cv-00658-TDS-JEP, 1:13-cv-00660-TDS-JEP(RUSS, JOHN) (Entered: 06/18/2014)
06/19/2014		<b>TEXT ORDER re: <a href="#">125</a> Motion for Leave to File an <i>Amicus Curiae</i> Brief in Support of Defendants, and Request to Participate in Oral Argument (Doc. 125) filed by JUDICIAL WATCH, INC., THE ALLIED EDUCATIONAL FOUNDATION, and CHRISTINA KELLEY GALLEGOS-MERRILL. The brief is allowed, and the Amicus filers shall file the brief and supporting documents collectively as a separate document forthwith in order to facilitate proper docket management. Further, during the hearing scheduled to begin July 7, 2014, Amicus counsel is allotted ten minutes of time to present the Amicus position on the motion for a preliminary injunction. SO ORDERED. Signed by JUDGE THOMAS D. SCHROEDER on 6/19/2014. (Solomon, Dianne) (Entered: 06/19/2014)</b>
06/19/2014	<a href="#">136</a>	<i>Amicus Curiae</i> BRIEF re Order on Motion for Leave to File,, by Amicus ALLIED EDUCATIONAL FOUNDATION, Intervenor Defendants CHRISTINA KELLEY GALLEGOS-MERRILL, JUDICIAL WATCH, INC. filed by ALLIED EDUCATIONAL FOUNDATION, CHRISTINA KELLEY GALLEGOS-MERRILL, JUDICIAL WATCH, INC.. (Attachments: # <a href="#">1</a> Exhibit Steven Camarota Declaration, Report, and CV, # <a href="#">2</a> Exhibit Unpublished Decisions Cited in Brief)(FEDELI, CHRISTOPHER) (Entered: 06/19/2014)
06/19/2014	<a href="#">137</a>	NOTICE of Appearance by attorney CHRISTOPHER J. MANER on behalf of Plaintiffs BARBEE'S CHAPEL MISSIONARY BAPTIST CHURCH, INC., BETHEL A. BAPTIST CHURCH, CLINTON TABERNACLE AME ZION CHURCH, CAROLYN COLEMAN, COVENANT PRESBYTERIAN CHURCH, ARMENTA EATON, ROSANELL EATON, EMMANUEL BAPTIST CHURCH, JOCELYN FERGUSON-KELLY, FAITH JACKSON, BAHEEYAH MADANY, NEW OXLEY HILL BAPTIST CHURCH, NORTH CAROLINA STATE CONFERENCE OF THE NAACP, MARY PERRY Associated Cases: 1:13-cv-00658-TDS-JEP, 1:13-cv-00660-TDS-JEP, 1:13-cv-00861-TDS-JEP(MANER, CHRISTOPHER) (Entered: 06/19/2014)
06/23/2014	<a href="#">138</a>	REQUEST <i>For Telephonic Pre-Hearing Conference</i> by Plaintiffs BARBEE'S CHAPEL MISSIONARY BAPTIST CHURCH, INC., BETHEL A. BAPTIST CHURCH, CLINTON TABERNACLE AME ZION CHURCH, CAROLYN COLEMAN, COVENANT PRESBYTERIAN CHURCH, ARMENTA EATON, ROSANELL EATON, EMMANUEL BAPTIST CHURCH, JOCELYN FERGUSON-KELLY, FAITH JACKSON, BAHEEYAH MADANY, NEW OXLEY HILL BAPTIST CHURCH, NORTH CAROLINA STATE CONFERENCE OF THE NAACP, MARY PERRY for Telephonic Pre-Hearing Conference. Associated Cases: 1:13-cv-00658-TDS-JEP, 1:13-cv-00660-TDS-JEP, 1:13-cv-00861-TDS-JEP(DONOVAN, DANIEL) (Entered: 06/23/2014)
06/23/2014		CASE REFERRED re: (147 in 1:13-cv-00658-TDS-JEP, 149 in 1:13-cv-00660-TDS-JEP, 138 in 1:13-cv-00861-TDS-JEP) Request for Pre-hearing Telephonic Conference to JUDGE THOMAS D. SCHROEDER Associated Cases: 1:13-cv-00658-TDS-JEP, 1:13-cv-00660-TDS-JEP, 1:13-cv-00861-TDS-JEP(Solomon, Dianne) (Entered: 06/23/2014)
06/25/2014		TEXT ORDER re (147 in 1:13-cv-00658-TDS-JEP, 149 in 1:13-cv-00660-TDS-JEP, 138 in 1:13-cv-00861-TDS-JEP) REQUEST for Pre-hearing Telephonic Conference,, filed by JOCELYN FERGUSON-KELLY, COVENANT PRESBYTERIAN CHURCH, FAITH JACKSON, BARBEE'S CHAPEL MISSIONARY BAPTIST CHURCH, INC., ROSANELL EATON, CLINTON TABERNACLE AME ZION CHURCH, EMMANUEL BAPTIST CHURCH, BETHEL A. BAPTIST CHURCH, ARMENTA EATON, CAROLYN COLEMAN, NORTH CAROLINA STATE CONFERENCE OF THE NAACP, MARY PERRY, NEW OXLEY HILL BAPTIST CHURCH, BAHEEYAH MADANY. IT IS ORDERED that the request is GRANTED, and the telephone conference is scheduled for Monday, June 30, 2014, at 10:00 a.m. Counsel for the moving parties shall be responsible for initiating the conference call and/or providing dial-in instructions for all counsel of record and the Clerk. Signed by JUDGE THOMAS D. SCHROEDER on 6/25/2014. Associated Cases: 1:13-cv-00658-TDS-JEP, 1:13-cv-00660-TDS-JEP, 1:13-cv-00861-TDS-JEP(Solomon, Dianne) (Entered: 06/25/2014)

# **Exhibit B**

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JOAQUÍN CARCAÑO, et al.,  
*Plaintiffs,*

v.

PATRICK MCCRORY, et al.,  
*Defendants and  
Defendants-  
Intervenors.*

1:16-cv-00236

**ORDER GRANTING LEAVE TO FILE AMICI CURIAE BRIEF**

Upon motion for leave to file an *Amici Curiae* Brief of School Administrators from California, District of Columbia, Florida, Illinois, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, New York, North Carolina, Oregon, Rhode Island, Texas, Vermont, Washington, and Wisconsin in Support of Plaintiffs' Motion for Preliminary Injunction (Doc. 70), and for good cause shown,

IT IS HEREBY ORDERED that the motion is GRANTED and *amici* shall file their brief in a new docket entry not designating the brief as "Proposed."

/s/ Thomas D. Schroeder  
United States District Judge

July 14, 2016

# Exhibit C

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

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. ) 1:16CV425  
)  
STATE OF NORTH CAROLINA, )  
et al., )  
)  
Defendants. )

**ORDER**

On July 8, 2016, Accenture; Affirm, Inc.; Airbnb, Inc.; American Airlines; Apple Inc.; Biogen Inc.; Bloomberg L.P.; Boehringer Ingleheim USA; Box; Brocade Communications Systems, Inc.; Capital One Financial Corporation; Cisco Systems, Inc.; Consumer Technology Association (CTA); Corning Incorporated; Cummins Inc.; Dropbox, Inc.; eBay, Inc.; E.I. du Pont de Nemours & Company; Etsy, Inc.; Everlaw, Inc.; Expedia, Inc.; FiftyThree, Inc.; Galxyz, Inc.; Gap Inc.; General Electric Company; Glassdoor, Inc.; Grokker; Hilton Worldwide; Honor; IBM Corporation; IKEA North America Services, LLC; Instacart; Intel Corporation; John Hancock Financial; Levi Strauss & Co.; LinkedIn Corporation; Logitech Inc.; Marriott International; Massachusetts Mutual Life Insurance Company; Microsoft Corporation; Mitchell Gold + Bob Williams; Morgan Stanley; Nextdoor; NIKE; OppenheimerFunds, Inc.; Orbitz Worldwide; PayPal; Pepo Inc.; Quotient; RBC Capital Markets, LLC; Red Hat; Replacements, Ltd.; Salesforce; Slack; SV Angel LLC; Symantec Corporation; TD Bank, N.A.; Teespring; The Dow Chemical Company; Thermo Fisher Scientific, Inc.; ThirdLove;

Tumblr; UnifyID, Inc.; United Airlines, Inc.; Williams-Sonoma, Inc.; Yelp Inc.; ZestFinance; and Zynga Inc. filed an unopposed Motion for Leave to File an *Amicus Curiae* Brief in support of Plaintiff United States. (Doc. 85.)

IT IS HEREBY ORDERED that the motion (Doc. 85) is GRANTED. The amici are directed to file the associated *amicus curiae* brief in support of Plaintiff's Motion for Preliminary Injunction forthwith.

/s/ Thomas D. Schroeder  
United States District Judge

July 12, 2016

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA,            )  
  )  
                  Plaintiff,            )  
  )  
                  v.                    )            1:16cv425  
  )  
STATE OF NORTH CAROLINA,            )  
et al.,                                 )  
  )  
                  Defendants.            )

**ORDER**

On July 27, 2016, the States of New York, Washington, California, Connecticut, Illinois, Maryland, Massachusetts, New Mexico, Oregon, and Vermont and the District of Columbia filed an unopposed Motion for Leave to File an *Amicus Curiae* Brief in Support of Plaintiff United States' motion for preliminary injunction. (Doc. 116.)

IT IS HEREBY ORDERED that the motion (Doc. 116) is GRANTED and that the associated amicus curiae brief in support of the United States' motion for preliminary injunction is deemed filed as of this date.

          /s/          Thomas D. Schroeder  
United States District Judge

August 3, 2016