**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   **POYNER SPRUILL LLP**
  KAYE SCHOLER LLP

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                                **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

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/s/ R. Stanton Jones
R. Stanton Jones

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