

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
No. 2:19-CV-15-D

PHYLISS HALL,)
)
 Plaintiff,)
)
 v.)
)
 LOWES FOODS, LLC,)
)
 Defendant.)

ORDER

On May 20, 2019, Lowes Foods, LLC (“Lowes Foods” or “defendant”) moved to dismiss counts one, two, four, and five for failure to state a claim upon which relief can be granted [D.E. 7] and filed a memorandum in support [D.E. 8]. On June 6, 2019, Phyliss Hall (“Hall” or “plaintiff”) responded in opposition [D.E. 12]. On June 12, 2019, Lowes Foods replied and requested that the court dismiss counts two and four [D.E. 13].

The court GRANTS defendant’s motion to dismiss counts two and four [D.E. 7]. See Clark Cty. Sch. Dist. v. Breeden, 532 U.S. 268, 273–74 (2001) (per curiam); Perry v. Kappos, 489 F. App’x 637, 643 (4th Cir. 2012) (unpublished); Dowe v. Total Action Against Poverty in Roanoke Valley, 145 F.3d 653, 657 (4th Cir. 1998); Willingham v. Mabus, No. 5:16-CV-187-D, 2018 WL 2324347, at *6 (E.D.N.C. May 22, 2018), aff’d, No. 18-1920, 2019 WL 2124646 (4th Cir. May 15, 2019) (per curiam) (unpublished); Everett v. Redmon, No. 7:16-CV-323-D, 2017 WL 2313468, at *7 (E.D.N.C. May 26, 2017) (unpublished); Huckelba v. Deering, No. 5:16-CV-247-D, 2016 WL 6082032, at *3 (E.D.N.C. Oct. 17. 2016) (unpublished). The clerk shall continue management of the case.

SO ORDERED. This 2 day of July 2019.


JAMES C. DEVER III
United States District Judge