

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
4:14-CV-149-D

JAMEL O. FRAZIER,)
)
 Plaintiff,)
)
 v.)
)
 NORTH CAROLINA DEPARTMENT)
 OF TRANSPORTATION,)
)
 Defendant.)

ORDER

Defendant's motion to dismiss plaintiff's original complaint [D.E. 8] is DISMISSED as moot. Defendant's motion to dismiss plaintiff's amended complaint for failure to state a claim upon which relief can be granted and for lack of subject-matter jurisdiction [D.E. 14] is DENIED. Whether plaintiff will survive a motion for summary judgment is an issue for another day.

SO ORDERED. This 10 day of April 2015.



JAMES C. DEVER III
Chief United States District Judge