

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

NO. 4:14-CV-195-FL

ASHLEY J. HINTON; and ASHLEY J.)
HINTON, on behalf of M.U.H., a minor)
child,)
)
Plaintiffs,)
)
v.)
)
LENOIR COUNTY PUBLIC SCHOOL)
BOARD, L. STEPHEN MAZINGO, ODIE)
LEAVEN, and KELLY JARMAN,)
)
Defendants.)

ORDER

This matter comes before the court on plaintiffs’ motions to modify the final judgment of the court and to amend plaintiffs’ complaint. The court entered a judgment of dismissal on August 31, 2015 after careful review of the magistrate judge’s memorandum and recommendation. On September 14, 2015, plaintiffs filed these motions. For the reasons that follow, the court denies plaintiffs’ motions.

Plaintiffs contend that on September 8, 2015, they began the state administrative process necessary to establish federal jurisdiction, and therefore ask the court to rescind the dismissal until the administrative process has been exhausted. (DE 23). Plaintiffs must do more than begin to avail themselves of the administrative procedures in order to establish subject matter jurisdiction. Plaintiffs must completely exhaust the process. E.L. ex rel. Lorsson v. Chapel Hill-Carrboro Bd. of Educ., 773 F.3d 509, 513-14 (4th Cir. 2014) (internal citations omitted). As such, any motion to amend the complaint now based upon incomplete exhaustion is futile. Therefore, for these reasons

and for the reasons provided in the court's previous order of dismissal (DE 21), plaintiffs' motions are DENIED.

SO ORDERED, this the 15th day of September, 2015.

A handwritten signature in black ink that reads "Louise W. Flanagan". The signature is written in a cursive style with a large initial "L".

LOUISE W. FLANAGAN
United States District Court Judge