

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 4:18-CV-72-D

HOWARD DUDLEY,

Plaintiff,

v.

CITY OF KINSTON, and  
ANTHONY GREENE,

Defendants.

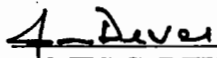
**ORDER**

On July 6, 2018, defendants moved to dismiss plaintiff's complaint [D.E. 14] and filed a memorandum in support [D.E. 15]. See Fed. R. Civ. P. 12(b)(6). On September 9, 2018, plaintiff responded in opposition [D.E. 20]. On October 9, 2018, defendants replied [D.E. 24].

The court has considered defendants' motion under the governing standard. See Fed. R. Civ. P. 12(b)(6); Ashcroft v. Iqbal, 556 U.S. 662, 677–78 (2009); Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555–63, 570 (2007); Coleman v. Md. Court of Appeals, 626 F.3d 187, 190 (4th Cir. 2010), aff'd, 566 U.S. 30 (2012); Nemet Chevrolet, Ltd. v. Consumeraffairs.com, Inc., 591 F.3d 250, 255 (4th Cir. 2009); Giarratano v. Johnson, 521 F.3d 298, 302 (4th Cir. 2008). The motion to dismiss lacks merit and is denied.

In sum, the court DENIES defendants' motion to dismiss [D.E. 14].

SO ORDERED. This 5 day of December 2018.

  
JAMES C. DEVER III  
United States District Judge