

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:16-CV-187-D

NATHANIEL WILLINGHAM,

Plaintiff,

v.

SEAN STACKLEY, ACTING SECRETARY,
DEPARTMENT OF THE NAVY,¹

Defendant.

ORDER

On July 20, 2016, defendant moved to dismiss plaintiff's complaint, or, alternatively requested judgment on the pleadings [D.E. 20]. On September 13, 2016, plaintiff responded in opposition [D.E. 28].

The court has reviewed defendant's motion under the governing standard. See Fed. R. Civ. P. 12(b)(6), (c). The motion [D.E. 20] is DENIED. Whether plaintiff's case will survive a motion for summary judgment is an issue for another day.

SO ORDERED. This 13 day of March 2017.



JAMES C. DEVER III
Chief United States District Judge

¹ On January 20, 2017, Sean Stackley assumed the position of Acting Secretary of the Navy. A public officer's "successor is automatically substituted as a party." Fed. R. Civ. P. 25(d).