

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

1:07cv739

**DAVID F. EVANS, *et al.*,
Plaintiffs,**

v.

**THE CITY OF DURHAM, NORTH CAROLINA
et al.,
Defendants.**

**SUPPLEMENTAL BRIEF
IN SUPPORT OF
LINWOOD WILSON'S
MOTION TO DISMISS**

Defendant Linwood Wilson pursuant to this Court's order (Doc. No. 96), submit this supplemental brief in support of his motion to dismiss. This brief addresses the effect of the Supreme Court's recent decision in *Ashcroft v. Iqbal*, 129 S. Ct. 1937 (2009).

In order not to be repetitive and overbearing on the court, Defendant Linwood Wilson joins Defendants Mark Gottlieb, Benjamin Himan, and the City of Durham, North Carolina ("City"), Durham Supervisors (collectively, "City Defendants"), in their Supplemental Briefs In Support of their Motions to Dismiss (Document #99, #100).

CONCLUSION

Whereby stated in Defendants Supplemental Briefs In Support of their Motions to Dismiss, as referenced above, Plaintiffs' claims must be dismissed.

Respectfully submitted, this the 24th day of June, 2009.

By: /s/ Linwood E. Wilson
Linwood E. Wilson
Pro Se

CERTIFICATE OF ELECTRONIC FILING AND SERVICE

The undersigned hereby certifies that, pursuant to Rule 5 of the Federal Rules of Civil Procedure and LR5.3 and LR5.4, MDNC, the foregoing pleading, motion, affidavit, notice, or other document/paper has been electronically filed with the Clerk of Court using the CM/ECF system, which system will automatically generate and send a Notice of Electronic Filing (NEF) to the undersigned filing user and registered users of record, and that the Court's electronic records show that each party to this action is represented by at least one registered user of record (or that the party is a registered user of record), to each of whom the NEF will be transmitted.

This the 24th day of June, 2009.

By: /s/ Linwood E. Wilson
Linwood E. Wilson
Pro Se