

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

DAVID F. EVANS, ET AL., )  
 )  
 Plaintiffs )  
 )  
 vs. )  
 )  
 THE CITY OF DURHAM, )  
 NORTH CAROLINA, ET AL., )  
 )  
 Defendants )

No. 1:07 CV 739

MEMORANDUM IN SUPPORT  
OF MOTION TO DISMISS

The defendant Michael B. Nifong, by his counsel, respectfully incorporates by reference in pertinent part, in support of his motion to dismiss filed today, the memoranda filed herein on January 15, 2008 by the defendants Linwood Wilson and by the defendants DNA Security, Inc. and Richard Clark.

Respectfully submitted,

/s/ James B. Craven III  
 James B. Craven III  
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CERTIFICATE OF SERVICE

I hereby certify that on January 15, 2009, I electronically filed this memorandum with the Clerk, through the CM/ECF system which will send notification of such filing to the following:

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Respectfully submitted,

/s/ James B. Craven III

This 15<sup>th</sup> day of January 2009.

