

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

1:07cv953

RYAN MCFADYEN, *et al.*,  
Plaintiffs,

v.

DUKE UNIVERSITY, *et al.*,  
Defendants,

Reply to Plaintiff's Opposition to  
and Motion to Stay Defendant  
Wilson's Motion to Dismiss  
Causes of Action: 5 and 18 based  
on 4<sup>th</sup> Circuit Court of Appeals  
ruling or December 17, 2012

**DEFENDANT WILSON'S REPLY SUPPORTING HIS MOTION TO DISMISS  
REMAINING CAUSES OF ACTION 5 AND 18 AS A RESULT OF 4<sup>TH</sup> CIRCUIT COURT  
OF APPEALS RULING AND RECENT MANDATE**

Defendant Wilson concedes that the Mandate stayed by the 4<sup>th</sup> Circuit Court of Appeals based on Plaintiffs' request for reconsideration by the Fourth Circuit en banc and any further appellate review, Appeal: 11-1458 Doc: 79 STAY OF MANDATE UNDER FED. R. APP. P. 41(d)(1), thereby stays Defendant Wilson's Motion to Dismiss Doc. 324.

Respectfully submitted, this the 13<sup>th</sup> day of January 2013.

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 13th day of January 2013.

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