

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,

Defendant Wilson' renewed
Motion to dismissal as filed in
document number 324, Dismissal
of Counts 5 and 18

**DEFENDANT WILSON'S RENEWS HIS MOTION TO DISMISS REMAINING CAUSES
OF ACTION 5 AND 18 AS A RESULT OF 4TH CIRCUIT COURT OF APPEALS RULING
DOCUMENT NUMBER 329 (Appeal: 11-1458 Doc: 80 Filed: 01/15/2013)**

Defendant Wilson hereby renews his motion to Dismiss Causes 5 and 18 as a result of the Fourth Circuit Court of Appeals Order on January 15, 2013, Document 329 and USCA Doc 80,

ORDER

Appeal: 11-1458 Doc: 80 Filed: 01/15/2013

The petition for rehearing en banc was circulated to the full court. No judge requested a poll under Fed. R. App. P. 35. The court denies the petition for rehearing en banc.

All of the Plaintiffs in all 3 cases stated, in their oppositions to Defendant Wilson's Motion to Dismiss (Doc 324 in 1:07cv953, Doc. 186 in 1:07cv739, Doc, 296 in 1:08cv119), that if the Fourth Circuit Court of Appeals ruling is allowed to stand then the Motions to Dismiss filed by Defendant Wilson should be granted. It's time to grant the Motions to Dismiss by Defendant Wilson in all cases.

Respectfully submitted, this the 15th 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 15th day of January 2013.

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