

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

RYAN MCFADYEN, *et al.*,
Plaintiffs,

v.

1:07-CV-953

DUKE UNIVERSITY, *et al.*,
Defendants.

**PLAINTIFFS' NOTICE OF FILING A
PETITION FOR WRIT OF CERTIORARI**

Plaintiffs hereby give notice that they timely filed a Petition for a Writ of Certiorari ("Petition") in the Supreme Court of the United States on June 13, 2013, attached as Exhibit A. Plaintiffs seek review of the Fourth Circuit's reversal of this Court's ruling on Count 1 on their complaint, entitled Search and Seizure in Violation of 42 U.S.C. § 1983 and Conspiracy. Specifically, the Petition presents the question:

Is "a significantly lower standard than probable cause" sufficient under the Fourth Amendment to justify a court order authorizing police to detain 46 young men at a police station to collect their DNA, compel them to disrobe, and submit to close examination and photographing of their bodies for evidence in a criminal investigation?

Exhibit A, Petition at i.

If Plaintiffs' Petition is granted, the Supreme Court's ruling as to Count 1 may also affect the Fourth Circuit's ruling as to Counts 5 and 12, but not as to Count 2. Thus, in light of the decision by the Fourth Circuit, Count 2 should be dismissed as to all Defendants.

June 18, 2013

Respectfully submitted by:

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CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System, which will send notice of the filing to counsel of record for Defendants and Defendant Linwood Wilson, all of who are registered CM/ECF users.

Respectfully submitted,
EKSTRAND & EKSTRAND LLP
By: /s/ Robert C. Ekstrand
Robert Ekstrand
Counsel for Plaintiffs