

UNITED STATES DISTRICT COURT  
 WESTERN DISTRICT OF NORTH CAROLINA  
 ASHEVILLE DIVISION  
 DOCKET NO. 1:14-cv-00170-MOC-DLH

**STANLEY JEFFREY PENLEY,** )  
 )  
 Plaintiff, )  
 )  
 Vs. )  
 )  
**MCDOWELL COUNTY BOARD OF** )  
**EDUCATION** )  
**ROBERT GILLESPIE** )  
**GERRI MARTIN** )  
**H. RUSSELL NEIGHBORS** )  
**NATALIE GOUGE,** )  
 )  
 Defendants. )

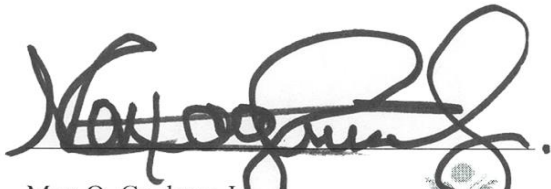
ORDER

**THIS MATTER** is before the court on defendants’ Motions to Dismiss (#33, #38, & #42) made pursuant to Rule 12(b)(1),(2), & (6), Federal Rules of Civil Procedure. Having considered defendants’ Motions to Dismiss and reviewed the pleadings, the court enters the following Order.

**ORDER**

**IT IS, THEREFORE, ORDERED** that defendants’ Motions to Dismiss (#33, #38, & #42) are DENIED without prejudice as to reasserting the substance of those motions after discovery has closed in the form of motions for summary judgment.

Signed: March 27, 2015



Max O. Cogburn Jr.  
 United States District Judge