

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:13-CV-292-DSC**

**ELLIS LEON WILLIAMS,** )  
 )  
 **Plaintiff,** )  
 )  
 v. )  
 )  
 **CHARLOTTE-MECKLENBURG** )  
 **BOARD OF ELECTION,** )  
 )  
 **Defendant.** )

**ORDER**

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**THIS MATTER** is before the Court on “Defendant’s Second Rule 12(c) Motion for Judgment on the Pleadings” (document #21), as well as the parties briefs and exhibits. See documents ##21, 22, 25 and 26.

The parties have consented to Magistrate Judge jurisdiction under 28 U.S.C. § 636(c), and this Motion is now ripe for the Court’s determination.

The Court has carefully reviewed the parties’ arguments, the authorities and the record. At this early stage in the proceedings, and taking all factual allegations in the light most favorable to Plaintiff, his Amended Complaint plausibly supports an inference that his performance evaluation was intentionally reduced to a score lower than his non-protected comparator because of race and that he was selected for discharge as a result of that evaluation. For this and the other reasons stated in Plaintiff’s brief, Defendant’s Motion will be denied.


**IT IS HEREBY ORDERED** that:

1. “Defendant’s Second Rule 12(c) Motion for Judgment on the Pleadings” (document #21) is **DENIED**.

2. The Clerk is directed to send copies of this Order to the parties' counsel.

**SO ORDERED.**

Signed: July 7, 2014



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David S. Cayer  
United States Magistrate Judge

