

No. 25-2180

In the United States Court of Appeals for the Fourth Circuit

RODNEY D. PIERCE and MOSES MATTHEWS,

Plaintiff-Appellants,

v.

THE NORTH CAROLINA STATE BOARD OF ELECTIONS, et al.,

Defendant-Appellees.

On Appeal from the United States District Court
for the Eastern District of North Carolina,
The Honorable James E. Dever, III, District Judge
No. 4:23-cv-193-D-RN

STATE BOARD DEFENDANTS' NOTICE OF NO POSITION

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Defendant-Appellees The North Carolina State Board of Elections, and Francis X. De Luca, Stacy “Four” Eggers, Robert Rucho, Jeff Carmon, and Siobhan O’Duffy Millen, all in their official capacities (collectively “State Board Defendants”), file this Notice of No Position in lieu of a Response Brief.

State Board Defendants took no position of the merits at the District Court below and do not intend to take a position on the merits in this appeal.

To the extent this panel requires any information regarding the election schedule, relevant deadlines, and administrative considerations, the State Board Defendants stand ready to provide such information upon request by the Court.

Respectfully submitted, this the 23th day of February, 2026.

NORTH CAROLINA
DEPARTMENT OF JUSTICE

/s/ Electronically Submitted

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CERTIFICATE OF COMPLIANCE

I certify that this Notice complies with the length requirements of Fed. R. App. P. 27(d)(2)(A) because it contains 105 words. This Notice also complies with the typeface and type-style requirements of Fed. R. App. P. 32(a)(5) & (6) because it has been prepared in a proportionally spaced typeface: 14-point Century Schoolbook font.

Respectfully submitted, this the 23th day of February, 2026.

/s/ Electronically submitted

Mary L. Lucasse

Special Deputy Attorney General