

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

JONATHON RAY MEREDITH,)	
)	JUDGMENT
Plaintiff,)	
)	5:17-CV-528-BO
v.)	
)	
JOSHUA STEIN, Attorney General of North)	
Carolina in his official capacity,)	
BOB SHURMEIER Director of the State Bureau)	
of Investigation in his official capacity,)	
MICHAEL D. WATERS, District Attorney of)	
Franklin County, NC in his official capacity,)	
)	
Defendants.)	
)	

Decision by Court.

This matter is before the Court on the parties' motions for summary judgment. [DE 32, 34].

IT IS ORDERED, ADJUDGED AND DECREED that plaintiff has standing to bring his claims, none of which are moot, and defendants are not entitled to Eleventh Amendment immunity. Plaintiff is entitled to judgment as a matter of law that his procedural due process rights are being violated, given that he is not afforded either notice or the opportunity to be heard prior to the determination that he must register as a sex offender.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendants' motion for summary judgment [DE 34] is DENIED and plaintiff's motion for summary judgment [DE 32] is GRANTED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendants, their successors, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice hereof are permanently ENJOINED and RESTRAINED from:

- (1) Placing plaintiff on the North Carolina Sex Offender Registry without first affording him prior notice and an opportunity to be heard;
- (2) Prosecuting plaintiff for any failure to comply with any North Carolina, federal, or other law or regulation applicable solely to registered sex offenders without first affording him prior notice and an opportunity to be heard on whether his previous out-of-state offense is "substantially similar" to a reportable North Carolina conviction.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff shall recover of defendants his costs of action, if any, including reasonable attorneys' fees, under 42 U.S.C. §

1988.

This case is closed.

This judgment filed and entered on November 7, 2018, and served on:

Paul Dubbeling (via CM/ECF Notice of Electronic Filing)

Tammera Hill (via CM/ECF Notice of Electronic Filing)

Jason Caccamo (via CM/ECF Notice of Electronic Filing)

November 7, 2018

PETER A. MOORE, JR., CLERK

/s/Lindsay Stouch_____

By: Deputy Clerk