

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA23-627

Filed 5 November 2024

Nash County, No. 22CVS1170

HUSSAIN N. MURSHED, Plaintiff,

v.

DEPUTY P. HUFTON, in his individual And official capacities as a Nash County Sheriff's Deputy, and Keith Stone, in his Official capacity as Sheriff of Nash County, North Carolina and NASH COUNTY, NORTH CAROLINA, Defendants.

Appeal by defendants from order purportedly entered 12 December 2022 by Judge Eula E. Reid in Superior Court, Nash County. Heard in the Court of Appeals 19 March 2024.

*William C. Pruden and Chad E. Axford for plaintiff-appellee.*

*Womble Bond Dickinson (US) LLP, by Brian F. Castro, for defendants-appellants.*

STROUD, Judge.

Defendants appeal from an order denying their motion to dismiss. This case was consolidated with *Bonet v. Costa*, No. COA23-626 (Nash County 22-CVS-269) and the motions in both cases before the trial court were heard simultaneously and did not differ in substance. Each party was represented by the same counsel, and while

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the *Bonet* case was discussed first in the trial court, when prompted by the trial court about this case, Plaintiff's counsel stated "[t]hat would be the same - - our position would be the same except for his money has not been returned." Further, the same counsel represented each party before this Court, with the parties making the same argument as to jurisdiction and substance. Thus, for the reasons stated in *Bonet v. Costa*, No. COA23-626, to be filed simultaneously with this opinion, this appeal is dismissed.

DISMISSED.

Judges MURPHY and FLOOD concur.

Report per Rule 30(e).