

No. 18-6980

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**RONNIE WALLACE LONG,**

Petitioner-Appellant,

v.

**ERIK A. HOOKS**, Secretary of the  
North Carolina Department of Public Safety,

Respondent-Appellee.

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**CONSENT MOTION TO ISSUE MANDATE FORTHWITH**

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Respondent, by and through the undersigned counsel, hereby moves the Court for an order issuing the mandate in this case immediately. *See* Fed. R. App. P. 41(b). Although the State respectfully disagrees with the Court's conclusion that the State MAR court's decision was objectively unreasonable, the State believes that, in view of the Court's judgment, the interests of justice call for immediately remanding the case to the district court.

The State has reviewed the Court's en banc opinion and has concluded that, in light of the Court's assessment of the evidence in the case and the

procedural posture, there is no viable path forward on remand. The State will therefore ask that the district court issue the writ without delay.

For these reasons, the State of North Carolina respectfully asks the Court to issue its mandate immediately.

The undersigned has contacted counsel for Petitioner, Mr. Jamie Lau, who consents to and supports the relief requested herein.

Respectfully submitted, this 26th day of August, 2020.

JOSHUA H. STEIN  
ATTORNEY GENERAL

/s/ Phillip A. Rubin

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## CERTIFICATE OF COMPLIANCE

1. Pursuant to Rule 32(g) of the Federal Rules of Appellate Procedure, I hereby certify that this document meets the type-volume limits of Rules 27(d), 35(b)(2), and/or 40(b) because, exclusive of the portions of the document exempted by Rule 32(f), this documents contains 164 words.
2. Further, this document complies with the typeface requirements of Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6) because it has been prepared using Microsoft Word using fourteen-point *Times New Roman*, a proportional-width typeface.

This the 26th day of August, 2020.

/s/ Phillip A. Rubin  
Phillip A. Rubin  
Special Deputy Attorney General  
North Carolina Department of Justice